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THE CASE OF VENEZUELA.

A REPLY

TO THE BRITISH BLUE BOOK ENTITLED "DOCUMENTS AND CORRESPONDENCE RELATING TO THE QUESTION OF BOUNDARY BETWEEN BRITISH GUIANA AND VENEZUELA."

BY

A SPECIAL COMMISSION OF THE GOVERNMENT OF VENEZUELA.

ATLANTA, GA.:
THE FRANKLIN PRINTING AND PUBLISHING CO.
1896.

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(Translation.)

MINISTRY OF FOREIGN AFFAIRS,
CARACAS, July 31, 1896.

D. P. E., No. 1113:

SIR:—I transmit herewith an English translation of the Brief by Venezuela. It is in reply to the British Blue Book, entitled "Documents and Correspondence relating to the question of boundary between British Guiana and Venezuela," presented to the two Houses of Parliament by direction of Her Britannic Majesty's Government in March last.

This Brief is to be presented to the Commission appointed to investigate and report upon the true divisional line between the two countries named. The memorandum of March last by this ministry, the three volumes of certified copies of Spanish archives already submitted, as well as the other documents, maps, etc., sent to you for that purpose, together with the papers submitted to the Commission by the Counsel for Venezuela, are to be deemed integral parts of the present Brief.

It is the work of a Special Commission created here in January last, to examine and classify the documents and maps found in this ministry, and in the General Archives of the Government, bearing upon the subject of frontier boundary, and subsequently charged with the preparation of a Reply to the British Blue Book.

I am, Sir,

Your very obedient servant,

P. EZEQUIEL ROJAS.

To Señor José Andrade, Envoy Extraordinary and Minister Plenipotentiary of Venezuela in the United States, Washington, D. C.

(Translation.)

GENERAL REMARKS.

The Government of Great Britain has recently published a "Blue Book" under the title of "Documents and Correspondence relating to the question of boundary between British Guiana and Venezuela." It is composed of two parts. The first has an extension of four hundred and forty-three pages, and is divided into three chapters, viz.: "Preliminary Statement"; "Appendix No. I," which contains extracts mainly from Spanish archives; and "Appendix No. II," being a correspondence relating to the early administration of British Guayana and to the question of boundary with Venezuela. Two maps are included in this volume, and nine more are presented separately in "Appendix No. III."

It is to be observed from the first that Lord Salisbury, Principal Secretary of State for Foreign Affairs, in a note dated January 10th, 1880, copied in page 295 of the Blue Book, and addressed to the Minister of Venezuela in London, says: "The boundary which Her Majesty's Government "claim, *in virtue of ancient Treaties with the aboriginal tribes* "and of subsequent cessions from Holland, commences," etc.

These treaties with the Indians, which preceded the cessions from Holland, and which have been appealed to because the said cessions were not, perhaps, considered as sufficient evidence, are not to be found among the documents now published for the first time.

The following feature of the British case attracts still more attention. Its principal argument, if not the only one, consists in ignoring the force of the rights of Spain as the discoverer and first occupant of America in general, and in particular of the region of Guayana, upon which is based the question at issue, in order to attribute validity solely to Dutch and British occupation. Nevertheless, the documents presented, taken from the archives of Spain, tend only to prove

that the Spanish authorities knew and tolerated, or at least did not succeed in preventing, foreign occupations.

Thus Great Britain destroys, by such a course of argument, the foundations upon which she has built her claims. Because, in truth, if the territory of Guayana, taken by the Dutch, was justly open to occupation, it is useless to seek from Spanish authority confirmation of the right to such acquisitions; still less, if it is true, as it is affirmed with admirable assurance on page 36 of the Preliminary Statement, "that the more "accurate statement of events is that attacks and encroach- "ments by Spain on the Dutch possessions were repelled by "the Dutch and British."

Although the Dutch were not acquainted with the boundaries which separated their possessions from those of Spain, it is now claimed, as an irrefutable fact, that those possessions began on the coast side at the Amacura River, and that they embraced, towards the interior, all the basin of the Cuyuni.

It is affirmed in the Preliminary Statement, page 12, that: "In the same year (1758) the Spaniards, *in violation of their* "*treaty engagements*, attacked the Dutch post in the upper part "of the Cuyuni above mentioned, and took prisoners the per- "sons found there, including the Post-holder and the commer- "cial agent. The Dutch protested against such conduct, *but* "*the Governor of Cumaná declined to release the prisoners,* "*alleging that they had been engaged in contraband commerce* "*and slave-trade on an island on the Cuyuni River, which he* "*claimed to belong to Spain.*"

"*Thereupon in 1759, a strong remonstrance was sent by the* "*States-General to the Court of Madrid, asserting their right to* "*all the branches of the Essequibo River, and especially to the* "*Cuyuni, asking for satisfaction for the attack on the Dutch* "*post in the Cuyuni, and also suggesting that a proper limit* "*between the Colony of Essequibo and the River Orinoco should* "*be laid down by authority.*"

According to this remonstrance, the boundaries between the Colony of Essequibo and the River Orinoco had not yet been defined in 1759, and Holland urged that a line of demarcation

should be fixed by agreement between the two governments as the only means of settling questions in which not only one, but all of the neighboring parties, were interested.

This also annuls the demarcation which Great Britain herself pretends to have made when, in 1781 and 1796, she seized the Dutch Colonies, which she agreed to restore in 1783 and 1802.

The paragraph alluded to is, furthermore, in contradiction with the object for which it was quoted, since the Governor of Cumaná refused to release the prisoners, affirming that they had been engaged in contraband commerce and slave-trade on an island in the Cuyuni River, which he claimed to belong to Spain. And a most important point is, that there is no proof that the Spanish government complied with the demand of their High Mightinesses, or recognized in any way the injustice of the attack for which satisfaction was asked. The remonstrance was not replied to, nor did the complaining parties insist upon it. It should here be noted that in this case, as well as in all those where it is attempted to prove that the Spaniards admitted the rights claimed by the Dutch to territories in Guayana, the Spanish authorities, although cognizant of the usurpations of their neighbors, always reserved, in the way of protest, the rights of their own nation.

Thus, in the reports of Centurion, which are copied in the Blue Book for the sake of evidence, since he affirms that all the coast of Guayana was occupied by foreigners, are also found the recommendations he makes to his government, endeavoring to persuade them that they ought to direct their political views to the destruction of the Dutch Colonies, beginning with Essequibo, and continuing on the Demerara, Berbice, Corentin, and Surinam; and that the province should be fortified for the purpose of guarding the frontiers and the rivers which flow into the Essequibo.

The same Centurion repeats in his last report to the King, that the boundaries of the province of Guayana are: "On the "north, the Lower Orinoco, the southern boundary of the "provinces of Cumaná and Caracas; on the east, the Atlantic

"Ocean; on the south, the great river of the Amazons; and "on the west, the Rio Negro, the canyon of Casiquiare, and "the Upper Orinoco, boundary of the eastern and unexplored "part of the Kingdom of Santa Fé."

These are precisely the boundaries mentioned by the Royal writ or "cédula" of May, 1768.

Likewise, while producing a memorandum of the engineer Don Francisco de Requena, Governor of Mainas, with a view to prove that all the northern coasts of the hemisphere were abandoned for more than a century, and that the Dutch and French had founded colonies on them without any opposition on the part of Spain, to whom the said territories belonged, the British government do not bear in mind that in this same memorandum Requena states that, since the discovery of America, the extensive coast lying between the two great rivers Orinoco and Marañon belonged to the Kingdom of Spain; that it was desirable that the Court should fix the boundaries with the Republic of Holland, and agree to what point it might extend its settlements and penetrate into the interior towards the west, from the Colony of Surinam on the coast itself of Guayana; that it was very important to foresee the evils that would arise from the indefinite and undetermined situation of such settlements; that it was well known that the Dutch had ascended the Essequibo, in spite of the numerous cataracts which impeded its navigation; that they had long ago established a guard or blockhouse on the upper part of that river, etc.

If Great Britain admits as valid the testimony of the Spanish authorites when it appears favorable to her designs, she cannot well refuse to accept it when it may tend to support the claims of Venezuela.

The remarkable inconsistency of Great Britain in denying the significance of the discovery by Spain and in attempting, nevertheless, to attribute to the Spaniards acquiescence in the Dutch occupations, is also to be noted in her eagerness to avail herself of the Treaty of Munster of 1648, Articles V and VI of which are copied in the Blue Book with the fol-

lowing comments (page 7): "*The Treaty confirmed the Dutch* "*in all the possessions which they had at that time acquired in* "*South America*, and gave them liberty to make fresh acqui- "sitions wherever the Spaniards were not already established." If, at the date of the treaty, Spain had only one settlement in Guayana, namely, St. Thomé, and therefore the Dutch, or any others, were at liberty to occupy and take possession of all the rest of the territory, what necessity was there for Spain to confirm the Dutch in all their possessions which they had at that time acquired therein, as if she had formerly had any rights over them, and as though such occupations were not legitimate without her confirmation, an act which would signify on the part of Spain a cession of her property in favor of the new owners? And what value could be attached to the license which the treaty is claimed to have given the Dutch, in order to make fresh acquisitions wherever the Spaniards were not already established? How can a nation give away what is not its own, and what is accessible to occupation by every one, without power on its part to prevent it?

On the contrary, upon examination of the Treaty of Munster, by which was terminated the long war of more than seventy years between Spain and the Netherlands, which were in revolt against her, and by which these were recognized as a sovereign and independent power, every impartial reader will find what is found in all treaties of peace, namely, a final settlement of the conquests made by the belligerents during the time of hostilities. In other words, in that treaty the Dutch acknowledged that they had no perfect title to the possessions which they had acquired in Guayana during the war, and asked Spain to validate, by treaty and cession, their right to these acquisitions.

It is alleged (page 9 of the Blue Book) that in 1714 the provisions of the Treaty of Munster were expressly confirmed by the Treaty of Utrecht; Spain stipulating that no nation should trade with the West Indies except herself and the Dutch. In fact, the Treaty of Utrecht says in Article X, that it will be based upon the Treaty of Munster in all that is not

changed by succeeding articles ; but no mention is made in the Treaty of Utrecht of the statement that the trade with the Spanish West Indies should be exclusively reserved to Spain and Holland. Far from this, it is stipulated in Article XXXI, that "His Catholic Majesty promises not to allow any foreign "nation whatever, for any reason, or under any pretext, to "send ships to or to trade with the Spanish Indies, but, on the "contrary, His Majesty binds himself to reestablish and main- "tain navigation and commerce in these Indies in the same "manner as existed during the reign of the late King Charles "II, and according to the fundamental laws of Spain, which "prohibit absolutely to all foreign nations the entry into and "commerce with these Indies, reserving the one and the other "solely to Spaniards, subjects of His Catholic Majesty "aforesaid."

It seems as though such a conclusive provision should be sufficient; nevertheless another was added in Article XXXIV, as if to prevent the possibility of any misunderstanding. There it is provided as follows : "Although it has been said "in several preceding articles that the subjects on both sides "may freely go to, frequent, reside in, navigate, and trade in "the countries, lands, cities, ports, towns and rivers belonging "to either of the high contracting parties, it is nevertheless "understood that the said subjects will have the benefit of this "liberty only in the European possessions of one or the other, "since it is expressly agreed that in respect to the Spanish "Indies, navigation and commerce will be carried on solely "in conformity to Article XXXI of this treaty, and that in the "Indies, both East and West, which are under the dominion "of the States-General, navigation and commerce shall be "carried on as hitherto, and that with regard to the Canary "Islands, the subjects of the States-General will carry on "navigation and commerce in the same manner as in the "reign of the late King Charles II."

What has been written about the Treaty of Munster is applicable to the Treaty of Utrecht. Spain confirmed, in the one and in the other, the acquisitions made by the Dutch in

Guayana, which she would not have been able to do if she had had no title to the territories in question. What title Spain had, and how it came to Venezuela, shall be examined later on. But it will first be proper to observe, from a general point of view, that the copies of documents extracted from Spanish archives, and adduced as conclusive proofs in favor of British pretensions, have not been authenticated by the officials who have them in charge; neither are they presented in the language in which they were originally written, but translated into English by persons whose competence is open to doubt, according to criticisms emanating from the London Press. The "Daily Chronicle," in successive numbers, has published articles upon this important subject. It is affirmed that in consequence of these articles the following question was asked in the House of Commons by Sir Edward Gourley: "I wish to ask the Under-Secretary of State for "Foreign Affairs, will he explain how it is that on pages 14 "and 15 of the Preliminary Statement of the Blue-book con- "taining the British case in the Venezuela boundary dispute "quotations marked by inverted commas are given from "documents embodied in Appendix I of the Blue-book, and "that these supposed quotations do not correspond with the "words of the documents referred to, and further, that in "more than one case the sense of the original passage has "been widely departed from."

The following reply was made by the Attorney-General:

"Perhaps the honorable Member will allow me to answer "the question. The five quotations referred to in the hon- "orable member's question are in all material parts correct. "The first is a free, but substantially accurate, rendering of "a passage, not in Centurion's covering despatch, which is "the document printed in the Appendix, but in the accom- "panying judicial report certified and signed by him. The "copy of this document is not set out in the Appendix, but it "is directly confirmed by a passage in Centurion's report at "page 115 of the Appendix, line 45. There are a great many "other Spanish documents supporting the British case which "have not at present been printed.

"The second extract is to be found in a Spanish document "set out at page 116 of the Blue-book, beginning 'The mur-"'der of the guard' and ending 'by the enclosed map.' The "difference in language is due to a difference in translation. "The third paragraph is also to be found at page 116 of the "Blue-book, the difference again being due to a different "translation. The fourth and fifth quotations are taken direct "from Spanish documents, but these have not at present been "printed in the Appendix, as page 15 of the statement will "show.

"All the quotations and facts contained in the statement are "to be found in original documents, only portions of which "have at present been published, but it is proposed shortly to "issue a second collection. The slight verbal discrepancies "in certain of the quotations are owing to the fact that "revised translations were procured of some of the papers "and that these were not completed in time to make the cor-"responding corrections in the statement. But the sense of "the passages will be found to be the same. The only excep-"tion is that of a quotation on page 5, where a note giving "the general purport of a document has, by inadvertence, "been included in a textual quotation."

The "New York Times" of March 26th ultimo, publishes the following: "London, March 25.—A Parliamentary paper "was issued this afternoon entitled 'Errata in the Venezuela "'Blue Book.' The first emendation of the text of the Blue "Book is of the extract from the secret reports on the domin-"ions of the King of Spain in America, addressed to the "Spanish Government (page 5), which reads: 'It appears "'that the Dutch settlements in Guayana extend from close to "'the River Amazones to the Orinoco.' This passage is "amended to read: 'It appears that the Dutch settlements "'in Guayana *already extended* from close to the River Ama-"'zon, *at least* as far as the Pomeroon.'"

"The errata withdraw the version of the Centurion's report "in 1770 (page 14 of the Blue Book), and substituted another, "affirming that the report sent home by Centurion inclosed "declarations by the Prefect and three members of the Spanish

"missions to the effect that the Spaniards had not then and "never had any fort on the Cuyuni. What the Dutch believed "to be two forts in the neighborhood were villages belonging "to the missions on the northern bank of the Yuruari. The "paper quotes parts of these declarations from the Audiencia "de Caracas, together with letters and reports written in the "year 1778."

"A note appended to the errata says: 'Extracts from docu- "'ments cited in the Preliminary Statement, of which marginal "'references are therein given, but which are not printed in "'the appendix, together with other extracts from Spanish and "'Dutch documents, bearing on the question, will be published "'in a supplementary paper.'"

The first emendation mentioned substitutes the past tense *extended* for the present *extend;* it adds the words *already* and *at least* which are not extant in the extract quoted by the Blue Book; and, what is of more serious import, the *Pomaron* is designated in place of the *Orinoco.* Thus disappear two errors: first, the reference to page 56 of Appendix I, where the passage quoted is not to be found; and second, that of showing the Spaniards as avowing, shortly before the Treaty of Munster, in 1648, that the Dutch were established actually on Orinoco River itself, whereas the distance from the southernmost mouth of this river to that of the Pomaron covers a space of at least one and one half degrees.

Tne "Daily Chronicle" sets side by side the quotation made in the Preliminary Statement and the words to be found on page, not 56, but 57 of Appendix I, as follows:

"SUPPOSED EXTRACT."	"REAL EXTRACT."
"The Dutch settlements in Guayana "extend from close to the River Ama- "zones to the Orinoco . . . the "best settlement they possess on the "whole of this coast is that of New "Zelandia, in the River Paumeron, "very near the River Orinoco, and "close to the city of Santo Thomé de "la Guayana, which belongs to Your "Majesty."	"Twenty leagues higher up to the "leeward,in the River Paumaron,is the "town of New Calandia (Zelandia), "which is very large and rich in all "kinds of fruits, being the best settle- "ment they possess on the whole of "this coast: and on this account they "carefully guard it, for this is already "very near the River Orinoco, where "the fort of Goyana (Guayana), which "belongs to his Majesty, is situated."

In the second extract do not appear the first words of the quotation ; but in the remainder, the words, if not exactly alike, are at least very similar, and with practically the same meaning. The "Daily Chronicle" draws attention to another error on pages 14 and 15 of the Preliminary Statement, where a report of Governor Centurion, dated in April 1770, is thus quoted:

"We have no fort in the Cuyuni nor had we ever one "there. The two forts are nothing more than the two villages "of the missions on the northern bank of the Yuruari."

The despatch copied on page 114 of Appendix I, and set by the said newspaper side by side with the foregoing quotation, does not contain any such statement.

It is also observed by the "Daily Chronicle" that on page 15 of the Preliminary Statement is inserted a declaration of Padre de la Garriga, the Prefect of the missions, in which he affirms that he does not know that the Spaniards had built a fort in the Cuyuni, or in its immediate neighborhood ; but no such passage appears in Padre Garriga's declaration as given on page 117 of Appendix I.

Lastly, the "Daily Chronicle" observes that according to page 15 of the Preliminary Statement, the Governor of Cumaná, on being asked to report concerning the Spanish attack upon the Dutch posts at Moroco and on the Cuyuni, replied that "he had no knowledge whatever of such events, nor are "there any papers in the archives of the province in reference "to such matters or questions of limits"; nevertheless, the document printed on page 114 of Appendix I contains no such words, the Governor merely stating that the events complained of happened after the separation of the province of Cumaná from that of Guayana, and that consequently he, the Governor of Cumaná, had no knowledge of them.

The same lack of authentication is to be observed with respect to the documents extracted from the archives of Holland, and of which only one is presented in the original tongue, together with an English translation. The other documents are set out either in English or French, which latter language

was, and is still sometimes employed by the Government of the Low Countries.

BARIMA.

The Preliminary Statement asserts (page 17) that, "In "1781 the British captured the Dutch Colonies in Guiana and "marked the boundary upon the coast to the westward of "Point Barima. A map of the newly acquired Colony was "drafted on the spot and was published in London in 1783. "This map (No. 6) gives the name Barima to the River "Amacura and makes it the western boundary of the Colony." The fact of Great Britain having at that time captured the Dutch Colonies did not make them hers. The hostilities which were in progress during that year only gave her temporary possession of her conquest, which she was not able to retain, being deprived of it in the following year by a fleet of the French, then allied with Holland and which, moreover, she agreed to restore by the preliminary Treaty of 1783 and the definite one of 1784.

As it has previoulsy been observed, a country adjacent to another cannot by itself determine their boundaries; less still when the definite ownership of such country has not yet been determined. The Preliminary Statement again repeats the same argument, affirming (on page 19) that in 1796 the English again took the Dutch Colonies and marked the boundaries, and adding that Spain recognized this fact by not remonstrating against it, although in a despatch marked "De Preferencia" of March 4, 1797, Don Pedro Carbonell, Captain-General of Caracas, communicated to the Prince de La Paz, Secretary of State, the news that the English had defined the limits of the Dutch Colonies, and in so doing had portioned out all the territory from the Essequibo to Barima. It is also alleged that in this despatch was enclosed the journal of Fray Felipe de Tarraga, a Capuchin who was commissioned to proceed to the mouth of the Orinoco and ascertain the truth of this statement regarding the English, and who wrote in his report that the English were on the east bank of the Amacuro,

where they had Indians in their pay to watch that place and give them information of any attempt on the part of the Spaniards to pass there. It is added that a note on the despatch shows that it was read by the King of Spain, and no action was taken. At this time, in the beginning of 1797, Spain and Great Britain were at war with each other. The former had declared war against the latter on October 5th, 1796, among other reasons because England had seized the Colony of Demerara which belonged to the Dutch, and had placed herself, by this means, in the way to the Spanish possessions in Guayana, besides carrying on contraband commerce with Peru, etc. Therefore the occupation, by the British, of Barima and Amacuro, if such event occurred, was an act of hostility, as it is well known that war gives the right to occupy the territory of the enemy.

Spain could not do otherwise than reply with hostilities to the hostilities of the British, and she was so doing, allied for that purpose with France and the Batavian Republic. In pursuance of this object, on March 31st, 1797, when Spain, of course, had not yet received the above mentioned report of the Captain-General Carbonell, dated the fourth of the same month, in which information was given of the proceedings of the English at Barima and Amacuro, she signed with Holland a treaty by which she placed at the disposal of the Batavian Republic an auxiliary body of troops, composed of twelve hundred men, for the defense of the Dutch Colony of Surinam, and other adjacent places, against the aggressions of the common enemy, Great Britain.

Spain, in so doing, had undoubtedly in mind the danger which threatened her possessions in Guayana, adjacent to those of Holland.

It was in the beginning of 1797 that the Spaniards made an attack upon the British garrison of the Moroco, with the unsuccessful result mentioned in the Preliminary Statement, and which was also referred to by Lord Aberdeen in his communication of 1844 to Señor Fortique, although he describes the occurrence as taking place at New Zealand, which was

not in the Moroco, as he affirms, but on the Pumaron, next to Middleburgh.

The Preliminary Statement adds that the Spaniards being repulsed and completely defeated by the combined English and Dutch forces, the British were thus secured in their possession of the whole colony as claimed by the Dutch in their remonstrances above quoted; but the said statement should also prove that when an effort is made to retake by force of arms a place captured by the enemy of a State, the failure of such effort is sufficient in itself to confirm the loss of the property held forcibly by the captor. Such a principle is not based upon reason, and is contrary to the teachings of the publicists.

It is convenient at this point to note that when peace was reestablished on March 27th, 1802, between Spain, France, and the Batavian Republic, on the one part, and on the other part Great Britain, it was agreed in the Treaty of Amiens, Article III, as follows:

"His Britannic Majesty restores to the French Republic "and its allies, viz.: His Catholic Majesty and the Batavian "Republic, all the possessions and colonies which had be- "longed to them and had been either occupied or conquered "by Britannic forces during the war, except the island of "Trinidad and the Dutch possessions in the island of Ceylon."

From this it may be inferred that even if the British, availing themselves of their war with Spain, took possession of Amacuro and Barima, marked the boundaries of the Dutch colonies and portioned off all the territory between the Essequibo and Barima, thus assailing the rights of Spain, the Peace of Amiens destroyed the effect of such hostilities and reestablished the order of things existing before the occurrence of such proceedings.

It is unquestionable that the British did not then remain either at Barima or Amacuro, nor did they make there any settlement, not even a military post, because they were in duty bound to retire in virtue of the above mentioned treaty.

Barima is the place where the Spanish, before all others, sent in 1530 an expedition with a view to make a settlement.

This expedition remained there some time, and only retired on account of its persecution by the Caribs, and after having constructed dwellings and commenced the cultivation of the soil.

Barima is the place where, later on, the Dutch established a post in order to trade with the Indians; which post, according to General Netscher, disappeared, abandoned or destroyed, in 1683 or 1684.

Barima is the place from which the Commandant Centurion, Governor of Guayana, expelled the Dutch who had returned there in 1768.

Barima is the place where certain persons, sent to visit it in 1785 by Governor Marmion, only met with groups of Indians and found neither foreigners, nor houses, nor any of the marks which the British pretend to have fixed in 1781 as a sign of sovereignty.

Barima is the place where, on the 26th of May and 14th of September, 1836, Sir Robert Ker Porter, Chargé d'Affaires of Great Britain at Caracas, requested the Government of Venezuela to cause a beacon to be erected, as a safeguard for all vessels seeking proper entrance into the Orinoco. The British Government were acquainted with this correspondence as early, at least, as 1842, having received it in that year according to the Blue Book, pages 242–247, from their Consul-General, Mr. Florencio O'Leary; and yet the Foreign Office, in 1887, instructed Mr. St. John, the British Minister in Venezuela, to declare to the Venezuelan Government that the intention of erecting the above mentioned beacon in 1836 was unknown to and unauthorized by the British Government. (Page 378 of the Blue Book).

Barima is the place where, as well as at Amacuro, Sir Robert H. Schomburgk, British Commissioner for surveying and marking out the boundaries between Demerara and Venezuela, erected in 1841 certain posts, against which proceeding public opinion here protested energetically. These marks were removed in 1842 by order of Lord Aberdeen, at the

urgent instance of Dr. Alejo Fortique, Representative of Venezuela.

Barima, nevertheless, was included in the so-called "North-west District," decreed in 1888 by the Government of Demerara, against which the Venezuelan Government hastened to protest on June 15th of the same year, as they also did on receiving the news that the said Colonial Government, on July 19th, 1890, and under pretext of establishing another district to be called "Pomaron," and of altering the demarcation of the so-called "North-west District," fixed boundaries which added to the colony a still greater part of Venezuelan territory.

Barima is the place about which Mr. Schomburgk wrote to Mr. Light, Governor of Demerara, in a report dated June 22d, 1841, and published in the Blue Book, pages 192-201, as follows :

"The pale, or post, at the mouth of the Barima, was "planted as an attestation of Her Majesty's undoubted right "of possession to that river. This point in the possession of "Great Britain is of great value in a military respect. The "peculiar configuration of the only channel (Boca de Navios) "which admits vessels of some draught to the Orinoco, passes "near Point Barima, *so that if, hereafter, it became of advantage "to command the entrance to the Orinoco, this might be easily "effected from that point.* This assertion is supported by "Colonel Moody's evidence, who visited the spot in his mili-"tary capacity in the commencement of this century.

"When the limits of British Guiana are established, it will "be highly advisable that some person of authority should be "placed at this point, *not only for the protection of the native "tribes, but likewise to command from the neighboring States that "respect to which a British Colony like Guiana has full right.*

"Venezuela has a post, and a commandant, within a short "distance from the mouth of the Orinoco ; *the post nearest to "the western boundary of British Guiana is in the River Pome-"roon, a distance of 120 miles from the Amacura,* and it follows, "consequently, that the post-holder of the Pomeroon can

"never exercise his influence or protection over the Indians "who are settled on the Barima or its tributaries ; and which, "as I have been assured by the Superintendent of Rivers and "Creeks in this district, amount to a large number."

It will be seen from the passages copied above : first, that the possessor of Point Barima would hold the Keys of the River Orinoco and of the other streams connected with it ; secondly, that it is consequently a military position of great value ; thirdly, that Great Britain, being established at that point, would dominate Venezuela and the neighboring States ; fourthly, that at that time (1841) there existed no British post between the Orinoco and the Pomaron ; and fifthly, that at the same period a great number of Indians were settled at Barima.

In the "History of British Guiana," by James Rodway, volume III, chapter XXXII, entitled "Exploration and the Boundary Question," we find on pages 168, 169 that : "About "the middle of the Seventeenth Century there was a Dutch "outpost at the mouth of the Barima, where a slave-market "of the Caribs was held. It was abandoned about the year "1680, probably because it did not pay, but certainly not from "fear of the Spaniards ; in fact it was intimately connected "with the Pomeroon Colony, and when that failed the Barima "post was necessarily given up."

This being true, as it is also affirmed by the historian Netscher and corroborated by Schomburgk's language in the passages already quoted, it is difficult to comprehend the tenacity with which Great Britain, a partizan of effective occupation and calling herself inheritor of the rights of Holland, sustains that Barima belongs to her, although it was abandoned by the Dutch, from whom she pretends to have derived her title, so far as to deny Venezuela in 1887 the rights to there erect a beacon, highly useful under all circumstances for every one. She occupies the place in 1884, she appropriates it in 1886, and in 1888 she declares it a district of the Colony of Demerara, and continues in possession, keeping it under her government and enjoying the benefit of its recently

discovered mines, whose products, up to the present, exceed the sum of thirteen millions of dollars.

Great Britain insists that as the territory of Guayana was not occupied, nor even known by the Spaniards, the Dutch were perfectly entitled to take possession of it and appropriate it to themselves; which is equivalent to affirming that a nation can only claim a right to the territory she actually occupies. Nevertheless, even in the same question at issue, Great Britain has acted in contradiction of this opinion. And the proof is this. The Blue Book publishes on pages 260, 261 a despatch from Mr. Belford Hinton Wilson, British Chargé d'Affaires in Venezuela, dated November 16th, 1850, in which he says to Lord Palmerston, Her Britannic Majesty's Minister of Foreign Affairs: "Herewith I have the honor of inclosing "to your Lordship a copy of a despatch addressed to me by "Mr. Vice-Consul Mathison on the 14th ultimo, stating that "there was a report in circulation at Bolivar that the Gov- "ernor of British Guiana had visited 'Point Barima' with a "schooner and two large boats full of men, and that a fort "called '*Fuerte Antigüo*,' on the Cuyuni, had been taken "possession of by British troops."

"So far back as the 25th September last, Mr. Mathison had "transmitted to me a copy of the 'Guiana Royal Gazette' of "the 3d of that month, in which an incidental mention is made "of Governor Barkly's absence from Georgetown, on a visit "with his staff to the remote northwestern districts of that col- "ony, watered by the Rivers Barima, Moruca, and Pomeron, "and bordered by the territories of the Republic of Venezuela, "and I have since read in the London 'Times' a statement "to the same effect, thus showing that there was no mystery "made about this visit, as, in fact, there was no motive for "concealment.

"Desirous, however, of removing at once from the mind of "the Venezuelan government *the mistrust which I felt satisfied* "*this visit would not fail to awaken* I, on the 14th ultimo, called "upon M. Vicente Lecuna, Venezuelan Secretary of State for

"Foreign Affairs, and asked him whether he had received any "intelligence from Guiana."

* * * * * * * *

"I then read to M. Lecuna in translation your Lordship's "despatch to me upon this subject of the 15th June last, point- "ing out at the same time that the issue of such instructions "had been rendered necessary in consequence of the avowed "disposition of the Venezuelan Legislature to empower and "compel the Executive Government *to construct forts in the dis- "puted territory* and to exercise other acts of sovereignty incon- "sistent with, and offensive to, the rights of Great Britain."

"I suggested, likewise, that possibly the visit of Governor "Barkly originated in a desire to ascertain, by personal obser- "vation, the nature of the boundaries between the two coun- "tries, so as to be better enabled to protect them against the "threatened aggression by Venezuela."

"I however assured M. Lecuna distinctly that Governor "Barkly did not and cannot, under his present instructions, "contemplate the adoption of any measures which might be "justly considered aggressive by Venezuela."

* * * * * * * *

"I accordingly saw the President by appointment, and after "reading also to him in translation your Lordship's despatch to "me of the 15th of June last, I offered to him explanations and "assurances similar to those which I had offered to M. Le- "cuna."

Lord Palmerston's despatch, alluded to by Mr. Wilson and published in the Blue Book, pages 259–260, says: "With ref- "erence to the correspondence which has passed respecting "the reported intention of the Venezuelan authorities to con- "struct fortifications in the territory in dispute between Great "Britain and Venezuela, I have to instruct you to call the "serious attention of the President and Government of Ven- "ezuela to this question, and to declare that whilst, on the "one hand, *Her Majesty's Government has no intention of occupy- "ing or encroaching upon the disputed territory*, they will not, on

"the other hand, view with indifference aggressions on that "territory by Venezuela."

"Under these circumstances, Her Majesty's Government "hope that positive instructions will be sent to the Venezuelan "authorities in Guiana to abstain from taking any measures "which might be justly considered aggressive by the British "authorities; because such measures, if taken, must lead to a "collision, which Her Majesty's Government would deeply "regret, but for which, with all its consequences, whatever "those consequences might be, Her Majesty's Government "would consider the Government of Venezuela to be wholly "responsible."

"You will keep Vice-Admiral the Earl of Dundonald fully "informed of everything which may occur in this matter; and "it is the desire of Her Majesty's Government that you should "be careful to maintain a conciliatory but firm tone in all "the communications which you may have thereupon with the "Venezuelan Government."

Mr. Wilson complied with the foregoing instructions, which brought as a consequence the communication addressed on November 18th, 1850, to Señor Vicente Lecuna, Minister of Foreign Affairs of the Republic, and his answer thereto, dated December 20th of the same year.

After making an extract of Mr. Wilson's note, Señor Lecuna answered, by order of the President of the Republic, that: "the Government never could have persuaded itself that, "in spite of the negotiation open in this matter, and of the "rights of Venezuela alleged in the question of boundaries "pending between the two countries, Great Britain would "desire to employ force in order to occupy the territory "claimed by each country; much less could the Government "think this possible after Mr. Wilson has so repeatedly assured "it, and, as the Executive Government believes, with sincerity, "that these imputations are destitute of any foundation what-"ever, and, on the contrary, are the very reverse of the truth."

"Reposing in this confidence, fortified by the protestations "contained in the note under reply, the Government has no

"difficulty in replying that Venezuela has no intention of "occupying or encroaching upon ('usurpar') any part of the "territory, the dominion of which is in dispute, and that it will "not view with indifference that Great Britain shall act other-"wise."

"Futhermore, orders will be issued to the authorities in "Guiana to abstain from taking steps by which the engage-"ment the Venezuelan Government has hereby contracted "may be violated, and which might give rise to fatal results "in the same manner as Mr. Wilson has assured the Govern-"ment that like orders have been given to the British author-"ities in Guiana, and which if necessary, would be cheer-"fully repeated."

These antecedents have been mentioned, in the first place, as a proof of the hostile spirit which animates Great Britain whenever the boundaries of Demerara are in question, for if in 1841 she threatened to resist the aggressions of Venezuela upon the territories bordering on the frontier, then occupied by tribes of independent Indians, in 1850 she equally threatens to employ the forces of the squadron under Vice-Admiral the Earl of Dundonald; secondly, in order to demonstrate beyond a doubt that it was the British Government itself which proposed, through its Legation at Caracas, the agreement not to occupy, nor encroach upon, the territory in dispute; and lastly, and especially to show that actual occupation is not always inseparably allied to dominion.

This compact necessarily implies that Venezuela and Great Britian own territories unoccupied at present by either of the two nations. They consider them liable to occupation, but their conflicting claims prohibit it, although the territories must be finally adjudged to one or the other of the claimants.

They also might have stipulated that both parties should make use in common of the territory in question, as is occasionally practiced. Whether this be done, or a provisional neutrality be agreed upon, it is evident that either one or the other of the two measures implies the exclusive right of the contracting parties to the ownership of the object in dispute.

If this is true, Great Britain herself lessens the value of her argument, which tends constantly to sustain that the unoccupied portions of the territory of Guayana not only did not belong to Spain, but were open to occupation by other States. Applying this rule to Venezuela, she should not have been considered as the owner of territories which were not actually occupied by her; and Great Britain, also, is in the same case.

At the time referred to, Mr. Wilson affirmed, without the acquiescence of the Republic, that the right of possession of Barima was in dispute between Venezuela and Great Britain. (Blue Book, page 256.)

On the eighth of January, 1885, the British Minister, Mr. Mansfield, said to the Minister of Foreign Affairs of Venezuela: "I am directed by Her Majesty's Government to at-"tract the attention of that of Venezuela to the proceedings of "the agents of the Manoa Company *in certain districts, the sov-"ereignty of which is equally claimed by Her Majesty's Govern-"ment and that of Venezuela.*" (Blue Book, page 327.)

In order to demonstrate clearly that a continued occupation is not always necessary for the preservation of the right of property over a territory, it will not be inopportune to recall the famous expedition to Darien, carried into effect in 1699 by the Scotchman Paterson, who expected from it splendid results. The origin of this enterprise, its course and failure, form one of the most interesting chapters, the XXIVth, of Macaulay's History of England. He states how much it was disapproved of in England, which at that time formed one Kingdom with Scotland, it being considered an act of hostility toward Spain. The fact is that, in spite of all obstacles, the expedition, composed of hundreds of persons, set sail, and shortly after was followed by another, ignorant of the disaster which had overtaken the first. This arrived at Darien and only met with Indians whom the Spaniards had allowed to continue living in their own fashion, after having taken possession of that region in the name of Spain and withdrawn to Panamá, on account of the unhealthiness of the climate. The expeditionists had hardly settled when such a shower of evils fell upon them

that they decided to abandon the isthmus. One of their vessels had been confiscated in Carthagena, and the crew compelled to sweep the streets, without any attention being paid to the remonstrances of Paterson. The authorities of the neighboring islands, including those belonging to the English, took part against the intruders. The survivors finally reached New York.

The second expedition not only found the place deserted, but soon saw the approach of a numerous Spanish force which it was incapable of combating.

The expeditionists were therefore obliged to capitulate, binding themselves to evacuate shortly the new establishment which they had formed under the name of Caledonia.

Their ejection by the Spaniards neither did, norcould have any disagreeable consequence for Spain, for no one offends when making use of his right.

The accomplished historian, member of Parliament, Minister of War, and eminent publicist, wisely justified the conduct of Spain in repelling Paterson's invasion as an atrocious offense against the Law of Nations; and he affirms that at the time of this event, there were regions in Scotland almost independent, as, for instance, Appin and Lochaber, which cared as little for the authority of King, Parliament, Privy Council, and Court of Session, as did the Indian population of Darien for Viceroys and "Audiencias" of Spain; but which the King of Spain could not have seized upon without committing an outrageous violation of international law. Previous to the departure of the second expedition, the Ambassador of the Catholic King had complained bitterly of this infraction of the law of nations.

When, in 1885, the German Empire resolved to establish its protectorate over the Caroline Islands, the Spanish Government protested as soon as they became cognizant of such a purpose, and presented a memorandum in defense of the ancient rights of Spain, and its possession never interrupted.

It was therein stated that "there was no necessity, either "then or until now, of any other titles for the acknowledg-

"ment of the dominion over a territory: actual and continued "occupation has never been requisite, and even at present, in "the numerous archipelagoes spread over the broad extension "of Oceanica and on the vast coasts of Africa and Australia, "there exist innumerable islands and entire zones wherein "material control has not been exercised, either formerly or "presently, and still it is not inferentially considered that they "are abandoned."

Through the mediation of the Pope, the question was finally decided in favor of Spain, she being, however, in duty bound to allow the Germans to establish a coaling station in the islands, from which obligation she succeeded in obtaining her release in the following year.

Does there exist a dispute between two States respecting the right of possession or sovereignty over certain places which both agree to leave unoccupied by reason of said dispute? If so, this is equivalent to a declaration that actual occupation is not indispensable to a title of ownership.

This is the doctrine of the law of contiguity, or of the extent of occupation, or of the Hinterland.

The English jurisconsult Phillimore says (Volume I, page 277): "There appears to be no variance in the opinions of writers upon international law as to this point. They all agree that the right of occupation incident to a settlement, such as has been described, extends over all territory actually and *bona fide* occupied, over all that is essential to the real use of the settlers although the use be only inchoate and not fully developed; over all, in fact, that is necessary for the integrity and security "of the possession, such necessity being measured "by the principle already applied to the parts of the sea ad- "jacent to the coasts, namely, '*ibi finitur imperium ubi finitur* "'*armorum vis*'. The application of the principle to a terri- "torial boundary is, of course, dependent in each case upon "details of the particular topography."

The doctrine has been established that the ocean is absolutely free to all, that it cannot fall under the private dominion of any one nation, that no sovereign is entitled to dictate laws con-

cerning it and impose them upon other States, that it is incapable of being subject to occupation or appropriation, and that every one is competent to make use of, navigate and travel, upon it, and appropriate its products, the fishes, pearls, corals, sponges and all the rest, whatsoever they may be. Nevertheless, by universal consent, a different rule is applied to those portions of the sea that wash the coasts and serve them as frontiers, and they are looked upon as belonging to the nation to which they are contiguous, and as subject to be governed by it in the same manner, and by virtue of the same title, as is the land.

The principal reason upon which this is based is the interest which a maritime nation has in keeping others at a distance from its shores, in regulating the navigation of its coasts, and in preventing their free use by other nations; because such liberty of navigation would be prejudicial to the owner of the coasts, and would prevent the securing of all the advantages, to be derived from their possession. Those parts of the sea are the bulwarks, the line of defense of a State. Should they be open to free navigation, as is the main ocean, this would expose maritime nations to aggressions the most unforeseen, and consequently, the most difficult to repulse, and it would deprive them of the fortifications constructed for their defense.

The principal reason for the appropriation of territorial seas is, therefore, the security of the State bounded by them. The second reason is the necessity of protecting commerce, source of the power and welfare of nations. "The freedom of navigation in territorial seas would destroy the present bases of international commerce, and would deprive most of the maritime States of the immense advantages they derive from this traffic."

These States may consequently refuse the right of such navigation to all nations in general, or to any particular ones ; they may prohibit navigation of a certain character, such as the coasting trade ; they may limit the number of ships of war approaching their coasts, or anchoring in their harbors or roadsteads ; they may subject merchant vessels to inspection

by customs officials, and to the payment of port-charges, such as anchorage, lighthouse and buoyage dues, etc.; in one word they may formulate all the regulations they may deem conducive to their own interests. Even ships of war, whose commanders directly represent their sovereigns, on entering ports, or roadsteads only, may be required to submit to certain conditions, principally the salute and other recognitions of sovereignty.

Some writers sum up the fundamental reasons of the above mentioned appropriation in the following words:

1st. The safety of a coast State demands exclusive possession of the coast.

2d. The exercise of vigilance over the vessels which enter into, depart from, or lie in these waters, is imperative for the preservation of good order, and for the development of the political, commercial, and fiscal interests of the coast State.

3d. The use of the territorial waters tends to assure the existence of the populations of their shores.

The right of property in and sovereignty over its territory is derived by a State from its own absolute right to liberty and independence.

With reference to a river, the nation which possesses it has a right of dominion, not only over its waters, but also over those of the other rivers joining it, above all, at its mouth. This mouth must belong to the State exclusively, for the reasons already adduced in justification of the right of property over territorial seas; because, if the affluents remain under the dominion of a foreign nation, the State in question is incapable of exercising over them the prerogatives of sovereignty. The presence of a foreign power at the mouth of a river would constantly impede, nay, it would frustrate the execution of the owner's dispositions; in short, it would supersede the possessor in every respect.

In the special case of the Amacuro and the Barima, which empty into the mouth of the Orinoco, if they remain under the dominion of Great Britain, Venezuela must lose her right of possession and sovereignty over the Orinoco.

For this reason the above quoted historian of Guayana, Rodway, says, in page 169, Volume III:

"The early maps of the country give no boundaries, but it "was always understood that when a settlement was made at "the mouth of a river, the whole district drained by this par- "ticular stream and its tributaries was under the control of the "nation which kept the entrance. *In accordance with this rule* "*Spain was entitled to claim the Orinoco* and Paraná, Portugal "the Amazon, and France the Mississippi and St. Lawrence."

Lord Aberdeen and Lord Granville spontaneously recognized the importance to Venezuela of the possession of the Orinoco; and it will be fully understood, as appears from researches made in 1886 by the commissioner and engineer, Dr. J. Muñoz Tebar, that the so-called Barima River is only a branch of the Orinoco itself, and forms, together with this river, an island as they flow into the sea; this branch is similar to the Macareo, which is thrown to the north from the left bank of the great river.

With respect to the true River Barima, Dr. Muñoz Tebar affirms that it rises at the foot and on the eastern side of the Imataca Mountains, flows in great part from west to east, then turns to the north and joins the River Arauca, and the waters of both empty into the branch of the Orinoco called Barima.

Great Britain has given such expansion to this principle, that to colonies settled on the coasts of the Atlantic she has granted concessions extending as far as the Pacific; she has considered that factories established on the coasts of Hudson Bay gave her exclusive right of occupation as far as the Rocky Mountains; and that the new establishments on the southernmost coasts of the Atlantic authorized her to revindicate the territories extending from there to the southern seas, and in reality she carried her pretensions as far as the Mississippi.

The English have no reason for wondering that Spain should appropriate so many lands: according to Bluntschli, Book IV, No. 278, of his Codified International Digest, the

crown of England based, during centuries, its sovereignty over the continent of North America upon the fact that an intrepid navigator in its employ, the Venetian Cabot, had been the first to discover, in 1496, the American coast from the fifty-sixth to the thirty-eighth degree of north latitude, although he had limited himself to coasting without taking possession of that immense region. The same author affirms (No. 281) that, not only in America, but also in Australia, England extends her dominion over immense territories, inhabited or occupied by savages, and cannot, in truth, either cultivate or control those territories.

Robertson, in his History of America, is in accord with Bluntschli, as he affirms (Book IX), in reference to the colonization of Virginia, that, on June 11th, 1578, Queen Elizabeth of England authorized Sir Humphrey Gilbert to take possession of all the lands discovered by him in America and not occupied by any other Christian prince or nation, prohibiting every one from forming, during a period of six years, any establishment whatever at a distance of less than two hundred leagues from the points occupied by Sir Humphrey or his associates. It is said in the same history that, in 1612, on granting a new charter to the Colony of Virginia, the king of England annexed to the government of the said colony all the islands situated less than three hundred leagues from the coast, and that, by virtue of this clause, the company enjoying the concessions took possession of the Bermudas, and of other small islands discovered by Gates and Summers.

The principle invoked has been established with the approbation of the States. Wharton's Digest, Chapter I, §2, reads:

"That continuity furnishes a just foundation for a claim of "territory, in connection with those of discovery and occupa- "tion, would seem unquestionable. It is admitted by all that "neither of them is limited by the precise spot discovered or "occupied. It is evident that in order to make either avail- "able, it must extend at least some distance beyond that actu- "ally discovered or occupied; but how far, as an abstract "question, is a matter of uncertainty. It is subject, in each

"case, to be influenced by a variety of considerations. In the "case of an island, it has been usually maintained in practice "to extend the claim of discovery or occupancy to the whole; "so likewise in the case of a river, it has been usual to extend "them to the entire region drained by it, more especially in "cases of a discovery and settlement at the mouth; and em- "phatically so when accompanied by exploration of the river "and region through which it flows. Such, it is believed, may "be affirmed to be the opinion and practice, in such cases, "since the discovery of this continent."

The English jurisconsult, Phillimore, participates in the same opinion, as is evident from paragraph 237 of his work upon International Law, which says: "If the circumstances had "been these, viz.: that an actual settlement had been grafted "upon a discovery made by an authorized public officer of a "nation at the mouth of a river, the law would not have been "unreasonably applied."

What follows has been taken from the "Annals of Guayana," by Rodway and Watt, where it is said, Volume I, page 6 and following, that during his third voyage, and on July 31st, 1498, Columbus "saw land which proved to be the "island of Trinidad, for such it was named by him. Having "landed, he proceeded along the coast of Paria, where he "met some of the natives, of whom it is recorded 'Many of "'them had collars and burnished plates about their necks "'made of *Guanin*' . . . . . After a fortnight's "cruise along the coast, Columbus went to San Domingo."

"In 1499, Alonso de Ojeda sailed from Port St. Mary in "search of the new land that Columbus had just discovered. "After a voyage of twenty-four days he arrived at the conti- "nent, about two hundred leagues to the south of Trinidad, "*i. e.*, somewhere on the coast of Surinam. From thence he "sailed along the coast, being everywhere astonished at the "size of the rivers and the immense volumes of water poured "forth by them, which freshened the sea and made it muddy "for a long distance out from the shores. *Ojeda is supposed "to have entered the mouths of the Essequibo and Orinoco*, but

" he did not see any of the inhabitants until he arrived at or " near Trinidad. He had as a companion on this voyage " Amerigo Vespucci. . . . . The territory west " of the Orinoco was named by Vespucci *Venezuela*."

It is said, in the same work, that Vicente Yañez Pinzon, who had sailed from Palos, reached Brazil on January 28th, 1500. He discovered the outlet of the River Amazon, continued his voyage along the coast of Guayana, reached the Orinoco, and loaded his vessels with Brazil wood.

" In 1530, the Spaniards, who had succeeded in establishing themselves on Terra-Firma, sent Pedro de Acosta to Barima with two small caravels and three hundred men ; but it is affirmed that in the same year they were driven away by the Caribs, who killed the greater part of them."

" In 1531, Juan Cornejo sailed a short distance up the River Orinoco ; but his vessel having got aground, he was forced to abandon her, and most of his men who had succeeded in reaching the shore, were seized by Caribs and by them killed and eaten."

" In the same year, Diego de Ordaz, having been appointed Governor of Guiana, sailed from Spain at the head of 600 men, and having 30 horses. He proceeded to the mouth of the Orinoco, and sailed up its course as far as the confluence of the Caroni."

" There followed twenty more expeditions to the Orinoco, attracted by the news of the existence of ' El Dorado,' given by Juan Martinez, who had been abandoned by Ordaz in a canoe, without paddles or food, in punishment of having allowed the stock of gunpowder to explode, but who was rescued by the Indians and by them carried to Manoa. The chiefs of these these expeditions were Juan Corteso, Gaspar de Silva, Juan Gonzales, Felipe de Utrea, Geronimo de Ortal, etc."

" In 1576, two Jesuit fathers, Ignacio Llauri and Julian de " Vergara, proceeded up the Orinoco and commenced a Mis- " sion, on the site, there is reason to believe, of what was " afterwards called Old St. Thomé."

" The missionaries obtained a fair measure of success, but

"three years after the establishment of the mission it was "destroyed by Captain Jansen. (*Vide* Alcedo.)" So it is affirmed in the "Annals of Guiana," by Rodway and Watt, upon the authority of Alcedo. But the Blue Book (page 7) pretends that the two fathers came only about the year 1664, that they reported the province abandoned by the Spaniards, and that nothing came of their expedition. Padre Caulin and Padre Gumilla are in accord with Rodway and Watt, both as to the date of the voyage of the Jesuit missionaries and the fruit of their labors, which lasted three years, according to Padre Caulin.

It is furthermore stated in the aforesaid "Annals," that "in 1582, Gonzales Ximenes de Quesada, Adelantado, or Governor, of New Granada, having made a disastrous attempt to reach "El Dorado," married his daughter to Antonio de Berrio, who, at the head of seven hundred horsemen, accompanied by many women, and with a thousand head of cattle, driven by Indians, commenced his undertaking on the banks of the River Casanare, led his company along it until he arrived at the River Meta, and thence, partly by land and partly by canoes, arrived in the Orinoco."

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"In 1585, about 2,000 colonists of all ages and conditions embarked at St. Lucar for the new government of Berrio in Trinidad and Guiana. Some of them settled in that island, and the remainder, in six vessels, proceeded up the Orinoco to establish a new settlement on the site of the mission of St. Thomé that had been destroyed by Captain Jansen. After much trouble with the Caribs, in which half the company were destroyed, the remainder settled on or near the site of the old mission. The village could not have been of much importance, as Raleigh makes no mention of it, although he passed the place and resided for some little time in the neighborhood."

"It is most probable that the settlement was abandoned for a time, as Berrio is reported to have carried on his trade with

Guiana a few years later, by means of the Indians of Caripana (Barima district)."

* * * * * * * *

"In 1616, on being informed that Raleigh was preparing a new expedition to the Orinoco, Gondomar, the Spanish Ambassador at London, protested against this enterprise as being intended to attack the possessions of a friendly nation."

"The whole of Guiana was claimed by Spain, and Raleigh declared that he had no intention to attack any Spanish town in that region."

It is well known that the result of Raleigh's last expedition was disastrous and that, owing to the remonstrance of the Spanish Ambassador in England, who denounced as an act of piracy the burning of St. Thomé by the adventurer's followers, King James ordered the execution of the sentence of death which had been pronounced against Raleigh years before, and which had been left in abeyance.

The facts recalled and narrated by the above cited English annalists are more than sufficient to demonstrate that, even admitting the correctness of the theories of British political writers, Spain was the rightful possessor of the Orinoco, not only as its discoverer, but also on account of having explored a great part of its interior, and of having founded a settlement at its mouth.

It is to be observed, in passing, that in the same manner that Venezuela cannot consent to the possession of the Rivers Amacuro and Barima by any foreign nation, she must also object to the demarcation of the boundary at the Guaima, a river which, according to Schomburgk, and similarly to many other rivers in that locality, joins the Barima by means of a canal, in the same way that the Orinoco and the Rio Negro are joined by the Caño de Casiquiare.

It is alleged that the States-General of the United Provinces, in the letters-patent creating the Dutch West India Company, designated the Orinoco as the limit of their jurisdiction; but if this were true, and sufficient by itself for the acquisition of territories, France would have equal reason to

pretend to the dominion of that river or that it should form part of her Colony of Cayenne. It is well known, in fact, that the expeditions of Europeans in search of "El Dorado" began soon after the discovery by Columbus, in 1498, of French Guayana, which was examined in 1499 by Alonzo de Ojeda and the famous pilot Juan de la Cosa, and also, in the same year, by Vicente Yañez Pinzon, who was the first to sail along the whole extent of the coast of Guayana. The first French expedition was that of Chantail and Chambant in 1626.

A few merchants of Normandy obtained, in 1633, a privilege, which was confirmed in 1638, for trading and navigating in the countries situated between the *Amazon* and *Orinoco*. In 1643, a patent was extended in favor of the Cape North Company, organized at Rouen, granting it all the territory from the *Orinoco* to the *Amazon*, on condition that settlements should there be founded and populated. Towards the close of 1651, another association was formed at Paris, called the French Equinoctial Company, and its letters-patent also gave it the right of trading and settling between the Rivers *Orinoco* and *Amazon*. Another company, incorporated under the same name, received, in 1664, from the King of France, with the full right of property, justice and lordship, Canada, the Antilles, Acadia, the islands of Newfoundland, Cayenne, and the lands of South America from the *Orinoco* to the *Amazon*. (Annuary of French Guayana for 1894. Cayenne. Government Printing-office.)

These various grants constituted no right, but only signified a desire to stimulate by valuable rewards the enterprising spirit of adventurers. They were also conceded with the design of rivalling Spain, who was envied by all the powers of the old world, on account of the portentous advantages she had derived by the discovery of a new world.

One of these was Portugal, which from 1580 to 1640, was under the dominion of Spain, but which in the latter year recovered its independence, tardily recognized. Portugal obtained possession of the immense region of Brazil and of

the peerless Amazon, and by means of the treaties of 1750 and 1777, both nations agreed upon the division of their dominions in South America. The twenty-fifth clause of the first of these treaties is pertinent to the question, as it was therein stipulated that both parties should guarantee to each other the frontiers and borders of their dominions in South America, each one engaging itself to give aid and succor to the other until it should remain in peaceful possession and free use of the territory which had been exposed to attempts at usurpation by others; and with regard to the coasts and adjacent lands, this obligation should extend, on the part of his Most Faithful Majesty, as far as the banks of the Orinoco on either side, and from Castillos to the Straits of Magellan; and on the part of His Catholic Majesty it should extend as far as the banks of the Amazon or Marañon on either side, and from the said Castillos to the port of Santos. But, with regard to the interior of South America, the said obligation should be unlimited, and in case of any invasion or rebellion whatsoever, each of the two crowns should give aid and assistance to the other, until matters were brought to a peaceful condition.

The foregoing clause is textually reproduced in the treaty signed between Spain and Portugal at the Pardo, on May 11th, 1778, and which, unlike the treaty of 1750, remained in full force.

It is thus evident that these treaties recognized the dominion of Spain over both banks of the Orinoco, a dominion which would be diminished or destroyed if any other nation should take possession of any of the affluents joining the great river at its mouth. It has already been seen, in passages taken from the reports of Schomburgk, that in counselling Great Britain to take as the limit the Amacura, and to include the Barima in her territory, his object was that she should obtain a position which would permit her to exercise absolute domination, mercantile, fluvial and military, over all that region and over the others to which the Orinoco leads.

As further evidence, Article XVIII of the said treaty of

1750 stipulated: "With respect to the summit of the mountain "range which is to serve as the line between the Marañon and "the Orinoco, *all the streams which fall into the Orinoco shall be-* "*long to Spain*, and to Portugal all those that fall into the "Marañon or Amazon." Therefore, the affluents of the Orinoco, such as the Amacura and the Barima, belonged to Spain, and, in consequence, must now belong to Venezuela.

Likewise, in the treaty of boundaries between Venezuela and Brazil, concluded at Caracas on May 5th, 1859, it is established, in Article II, that "The line shall run along the sum- "mit of the Sierra Parima as far as the angle made by this "range with the Sierra Pacaraima, so that all the streams "flowing into the Rio Blanco shall remain the property of "Brazil, and that *such as flow into the Orinoco shall belong to* "*Venezuela;* and the line shall continue along the most elevated "points of the said Sierra Pacaraima, so that the waters fall- "ing into the Rio Blanco remain, as has been said, the prop- "erty of Brazil, and *those which flow into the Essequibo, Cuyuni* "*and Caroni, shall belong to Venezuela, as far as the territories of* "*the two States extend to the eastward.*"

When, in 1880, a part of this frontier was demarked on the spot by the commissioners named to that effect, Señor Miguel Tejera and Señor Francisco Xavier Lopez de Aranjo, it was established in the eighth Conference that from Mount Cupi, one of the points of the line, the said line "continues as far as "the dominions of both countries extend, over hills and moun- "tain-ridges which mark the division of the waters, *so that all* "*those which flow into the Orinoco, Cuyuni, and Essequibo, belong* "*to Venezuela, und all those which flow into the lower Rio Negro* "*belong to Brazil.*"

So it appears that Portugal, and also Brazil as its successor in America, have both recognized the international right of property of Venezuela over the Orinoco, Cuyuni and Essequibo, and over the rivers which join them, that is, their affluents.

Let it not be said, as has been written in Demerara, that Venezuela and Brazil capriciously divided that territory be-

tween themselves, for it will be answered that in this both States strictly observed the provisions of the Hispano-Portuguese treaties of 1750 and 1777.

It may be added that Great Britain did not think such division capricious; otherwise she would have surely protested against it, which she has not done during the thirty-seven years that the treaty has been in force.

It is opportune to take into consideration an objection which has been raised against a document adduced by Venezuela since 1882, viz., the instructions given on February 4th, 1779, by the Intendente-General of Venezuela, Don José de Abalos, with a view to establish settlements in the province of Guayana, and which document is said to admit that the Colony of Essequibo extended as far as the Orinoco.

It is said in paragraph 2d of the above-mentioned document that "the chief, and most important, point in this question, in "order to avoid fruitless labor, *being to secure the limits of the* "*said province of the Orinoco, which begins, on its eastern side,* "*to the windward of the point where the Orinoco disemboyues, on* "*the confines of the Dutch Colony of Essequibo*, one of the first "cares of the Commissioners in this question, with regard to "the establishment which is going to be made, shall be to "approach, as much as possible, the said colony, and en-"deavor to choose the most advantageous and useful site "for the first settlement."

This signifies simply that the province of Guayana began *eastward* of the Orinoco, but not *next* to or on the Orinoco. In the same instructions, it was affirmed that the Dutch colony of Essequibo, and the others belonging to the States-General on that coast, were all commonly situated on the banks of the rivers and in proximity to the coast, without extending far into the interior of the country; and therefore, behind the Essequibo and the other Dutch possessions, eastward as far as French Guayana, and southward as far as the Amazon, the territory was not occupied by the Dutch.

It was therein also provided that, should the commissioners meet with any obstacles to their advance and settlement, not

only in the eastern confines of the province, but even much more to this side of them, in such a case, they might choose, upon consideration, the most suitable place for a first settlement *between the mouths of the Orinoco and the colony of Essequibo.*

They were also ordered to obtain information respecting the interior of the country, and of its confines and regions as far as the territories occupied by the Dutch of Essequibo, Surinam, Berbice, and Demerara, and by the French of French Guayana; and lastly, it was impressed upon them that the principal object of the commission was the settlement and security of the borders of the province of Guayana, which were conterminous, towards the east, with Essequibo and French Guayana.

The Commissioner, Don José Felipe de Inciarte, reported that the Dutch had established at Moroco an advanced post, eighteen leagues, more or less, from Essequibo towards the Orinoco; and that although it was then only a miserable building, with only two dismounted cannon and a few swivel-guns, he advised, as a measure of security for the new settlements, that the Dutch should be driven from the said post.

It stands, therefore, beyond a doubt, that the confines of the Dutch colony were not at the Orinoco, nor even near the Orinoco, but at the Essequibo, which, according to the affirmations of the Spaniards, lay fifty-five or sixty leagues from the great mouth of the Orinoco, as is declared, for instance, by Governor Centurion, in the third paragraph of his report to the King of Spain, published in the Blue Book, pages 124–130.

In 1807 was published the book entitled "A Voyage to the Demerara, containing a statistical account of the settlements there, and of those on the Essequibo, the Berbice, and other contiguous rivers of Guayana," by Henry Bolingbroke, Esq., of Norwich.

In chapter XVIII, the author emphasizes the importance of the Orinoco and earnestly recommends the restitution of Buenos Ayres to Spain in exchange for districts of more value along

the said river; he laments that the celebrated enthusiast of liberty, General Miranda, should not have been called to direct the conquest of the western bank of the Orinoco (as if he would have consented to such an undertaking) by a regular army whose presence and whose principles would have excited no apprehension of a servile war, and thus that strip of country might have been added to, and consolidated with, the British possessions in Guayana.

This proves clearly that at the time when this book was published, the Orinoco did not form a part of British Guayana; that its acquisition was eagerly desired; and finally, that it is untrue that the Dutch and British held possession of all the coast from the Barima as far as the Corentin, during more than two consecutive centuries, as is said and repeated by the Blue Book.

THE MOROCO AND PUMARON.

In the "Hand Book of British Guayana," by James Rodway, prepared under the direction of the "Columbian Exposition, Literary Committee of the Royal Agricultural and Commercial Society," and published at Georgetown in 1893, there is a map of British Guayana containing the following information: At the north of the mouth of the Moroco are written the words *Spanish Mission*, and this proves that there exists there a mission of Spaniards, but why this mission should be called *Spanish* cannot be well understood, if it has been recently established.

There is connection between the foregoing and the assertion made by Sir Henry Light in his communication to Lord Glenelg, inserted in page 285 of the Blue Book, viz.: "The "Pomeroon River, at the western extremity of the Essequibo, "may be taken as a limit to the *county*, ['country' in the "original] though there is a Mission supported by the Colony "on the Moruca River or Creek a short distance westward, "where 500 Spanish Indians are collected in a settlement under "a Roman Catholic priest recommended from Trinidad, where "he is reported to be effecting much good."

Also in the second of the maps adjoined to the History of the Colonies of the Essequibo, Demerara, and Berbice, by General P. M. Netscher, and opposite the center of the course of the Moroco, there is a place marked with these words, "Establishments of Spanish Catholic Missionaries among the Indians," a spot but little distant from the Essequibo.

In the Preliminary Statement of the Blue Book, it is affirmed, page 20, that "in the same year, 1797, the Spaniards made "an attack upon the Moroco post, a fort of the Essequibo "Colony, and were repulsed and completely defeated by the "combined English aud Dutch Garrisons."

Lord Aberdeen had written to Señor Fortique, Minister of Venezuela, under date of March 30th, 1844: "Previously to "this, in 1657, the Dutch erected the posts of New Zealand "and New Middleburgh upon the Pomaroon and the Moroco. "It was at the first of these that, in an attack made as lately "as 1797, the Spaniards were entirely defeated by the Dutch "and English garrison, and driven to their boats with great "loss of life."

In his "Description of British Guiana, Geographical and Statistical," published in London in 1840, Mr. Robert H. Schomburgk asserts, pages 85-86, that "The following year "(1797) a party of Spaniards attacked the post on the Mo- "rocco river, but they were repulsed with severe loss by a "detachment of Dutch soldiers in British service, commanded "by Captain Rochelle."

In one of the various reports of Mr. Schomburgk, a memorandum written by him respecting the boundary question between the Republic of Venezuela and British Guayana, it is said (Blue Book, page 239): "It is true the Spaniards at- "tempted, once or twice, to attack the Dutch at their settle- "ments, but they were always repulsed, even as late as 1797, "when their attack upon Fort New Zealand was not only "warmly received by the English and Dutch garrison, but "they were totally defeated, many killed or driven into the "river, and only a few escaped in their boats."

If these data are worthy of credence, as they seem to be,

they again testify that the Spaniards considered themselves the owners of the Moroco, and, looking upon the Dutch as intruders, they did all in their power to eject them from the places illegally occupied; and not content with attacking them there, they extended their operations as far as New Zealand, a fort which the Dutch had erected, together with New Middleburgh, on the banks of the Pumaron.

Although Spanish documents admit that the Dutch had also a post on the Moroco, with a view to prevent the escape of slaves, this did not properly constitute occupation, but was permitted as a friendly and neighborly favor conferred upon these strangers; and the attacks made upon them from time to time indicate, at least, that the real owners were not disposed to continue indefinitely their toleration, in order, without a doubt, to prevent that such toleration be construed as an abandonment of their rights. It is not of rare occurrence for nations to concede to each other benefits of this nature, without prejudice to their rights, rather, indeed, in the discretional exercise of them, an instance of which may be seen in a compact concluded between the British and Spanish Crowns on October 28th, 1790, whereof Article VI reads as follows: "It "is further agreed, with respect to the eastern and western "coasts of South America, and to the islands adjacent, that no "settlement shall be formed hereafter, by the respective sub-"jects, in such parts of those coasts as are situated to the "south of those parts of the same coasts, and of the islands "adjacent, *which are already occupied by Spain:* provided that "the said respective subjects shall retain the liberty of landing "on the coasts and islands so situated, for the purposes of "their fishery, *and of erecting thereon huts, and other temporary "buildings, serving only for those purposes.*"

This article shows that not only "huts and other temporary buildings might be erected for purposes of fishery," but also that it was prohibited to British subjects to establish any settlements "in such parts of those coasts as were situated to the south of those parts of the same coasts, and of the islands adjacent, which were already occupied by Spain." According

to this, the British were not allowed to settle south of the coast of the Orinoco already occupied by Spain, nor south of the coast adjacent to the coast of the Orinoco. How much less, then, could they establish themselves on the coast itself of the Orinoco, or on any of the affluents which flow into its mouth, as, for instance, the Barima and the Amacuro?

It should not be lost sight of that, according to the opinion of Sir Henry Light, Governor of Demerara, as above cited the Pumaron river might be taken as a limit to the country.

This was written by him in a dispatch addressed to the English Government and dated September 1st, 1838. As, in 1875, Venezuela referred to this antecedent, Mr. Longden, then Governor of Demerara, in a communication directed to the Earl of Carnarvon, on July 20th of the same year, in order to deny, or diminish, the importance of Sir Henry Light's assertion, affirms (Blue Book, page 285) that his predecessor had no intention to discuss the boundaries, "but to give a general view of the general state of that part of the Colony which, in his time, was cultivated." Mr. Longden further says; "So far from recognizing the Pomeroon as a "boundary with Venezuela, Sir Henry Light, in a subsequent "part of the very same dispatch, in apparent ignorance of the "actual boundary claimed by Great Britain, speaks of the "country 'between the Pomeroon and Orinoco as unoccupied "'by any Power and not under any authority.' I ask your "Lordship's leave to quote Sir Henry Light's words:

"'It may be proper here to draw your Lordship's attention "'to the west coast of Essequibo. Behind the Capocy Creek, "'west of the river, there are lakes communicating with the "'Tapacooma, by which small craft may descend the Pome-"'roon, proceed up the Moroco, and, through the savannah "'at the head, descend to the mouth of the Orinoco by the "'River Barima. This communication has been long made "'by the Indians and vagabonds of all colours for the pur-"'poses of smuggling and piracy. The labourers on the "'estates have thus at their command a means of settling *on* "'*a coast of 100 miles between the Pomeroon and the Orinoco*,

"'*unoccupied by any person or under any authority.* . . .
"'*The Spaniards have no post on this coast, and it seems to be*
"'*considered neutral ground.*'"

The defense of Governor Light by his successor exhibits him as ignorant, not of the limits of Demerara, which he esteemed correct, but of those that Great Britain claimed or might claim; and besides this, it brings forth his valuable testimony to the fact that the 100 miles of coast included between the Pumaron and the Orinoco were not occupied in 1838, nor were they under the authority of any one. Now this is precisely the contrary of what is upheld by Great Britain, since she affirms that all the territory from the Barima to the Corentin was first in possession of the Dutch, and next in her own possession, during more than two centuries. Great Britain is contradicted by the most competent authority, that is, the Government of Demerara, by which it is declared that the space comprised between the Pumaron and the Orinoco was unoccupied and independent of any Power, and therefore to be considered neutral ground. The Preliminary Statement of the Blue Book says and repeats that all that territory—which was not occupied, or under any authority, and was considered neutral in 1838—formed part of the Colony of Essequibo. To this may be added the assertion made by Mr. James Rodway in Volume III, page 169, of his recent History of British Guayana, to the effect that the Dutch outpost at Barima was abandoned about the year 1680, *not from fear of the Spaniards*, but because it did not pay, and that it was given up in consequence of the failure of the Pumaron Colony.

It is certain that when the British arrived in 1666, of the two forts of New Zealand and New Middleburgh, which had been erected on the right bank of the Pumaron River, the former was destroyed, and the latter was abandoned and never restored. Consequently, the post being given up, there was no reason for the Dutch to claim the territory where it stood, nor for contemporary historians and cartographers to mark, at the mouth of the Pumaron River, the boundary between the Dutch and Spanish establishments.

It is also stated by Rodway, Volume III, page 279, that "although a post had been kept up until late years on the Pomaron or on the Moroco, for some years before 1882 there was no representative of the government on the Pomaron." This indicates the disappearance of even the old post held by the Dutch on the Moroco, which, according to the inspection made in 1779 by the Commissioner, and afterwards Governor of Guayana, Señor José Felipe de Inciarte, was simply a miserable building with two dismounted cannon and a few swivel-guns; a post which he proposed to occupy in order to drive away the Dutch, and which, as he said in 1783, had been abandoned by them on account of the invasion of the French. And this agrees with what was said in 1838 by Governor Light, when he affirmed that the 100 miles between the Orinoco and the Pumaron were then unoccupied, under the authority of no one, and considered as neutral ground. Therefore, instead of an uninterrupted possession of more than two centuries, as the Preliminary Statement of the Blue Book declares, the occupation effected in 1882 has lasted only fourteen years, and was accomplished in spite of the irrefutable fact that the convention of 1850 was in full force, wherein it is stipulated that the territory in dispute must be left unoccupied by both of the contracting parties.

THE ESSEQUIBO.

In a note, dated January 31st, 1844, and addressed to Lord Aberdeen, Her Britannic Majesty's Secretary of State for Foreign Affairs, Señor Fortique, Venezuelan Minister at London, proposed, in the name of Venezuela, the course of the Essequibo River as a line of demarcation between the Republic and the English Colony of Demerara.

In 1822 the Government of Colombia had ordered this same line to be presented, on sending to England as Agent, Señor José Rafael Revenga. In the instructions given to Señor Revenga, by Dr. Pedro Gual, Minister of Foreign Affairs, the following is to be read: "I take the liberty to call "your attention particularly to Article II. of the Draft of

"Treaty with regard to limits. The English possess at pres-
"ent the Dutch Guiana, and on that side they are our neigh-
"bors. You will agree to the demarcation, as exactly as
"possible, of the boundary line between the two territories in
"conformity with the latest treaties between Spain and Hol-
"land. The Colonists of Demerara and Berbice are in
"usurped possession of a great portion of land, which, ac-
"cording to these treaties, belonged to us on the side of the
"Essequibo River. It is absolutely indispensable that the
"said Colonists either place themselves under the protection
"and control of our laws, or retire to their old possessions.
"For this they shall have sufficient time, as is established in
"the draft of treaty."

These instructions are officially published in the book entitled "Diplomatic Annals of Colombia," by Pedro Ignacio Cadena, edited in Bogotá in 1876.

Señor José Manuel Restrepo, formerly Minister of the Interior of the old Republic of Colombia, published, in 1827, a History of the Revolution of Colombia, and on a map of the same country, adjoined to the said work, the author wrote the following observation: "The limits of the present English
"Guiana have been marked out according to the possession of
"Spain as far as the Essequibo River, which is so defined in
"the best maps published in England itself."

According to the limits determined by the boundary documents of the Province of Guayana in 1761, this province was constituted, on July 4th, 1762, a separate "Comandancia" under the command of Colonel Don Joaquin Moreno de Mendoza, and, in conformity with those limits, Don José Diguja, Governor of the Province of Cumaná, in a Geographical Description and notes adjoined for the better understanding thereof, explains that "the Province of Guiana is bounded on
"the East by all the coast on which *are situated the Dutch*
"*Colonies of Esquibo, Berbis, Demerari, Corentin and Surinam,*
"and, further to windward, Cayenne, belonging to the French:
"*that on the east and coast of Guiana are situated the Dutch*
"*Colonies of Esquibo, Demerari, Berbis, Corentin and Surinam,*

" according to the information obtained by Don Juan de Dios " Valdés, Commandant of Guiana: *that the Colony of Esquibo* " *consists of sugar-cane plantations established by the Dutch and ex-* " *tending over a distance of thirty leagues on the banks of the Es-* " *quibo River:* that the Dutch provinces are extremely preju- " dicial to Guiana, especially the province of Esquibo, which " is the nearest to the Orinoco, the Dutch penetrating to this " river and to the Mazaruni and Cuyuni, protected by the " Caribs in robbing and enslaving the Indians of that province " who are not Caribs."

By the Royal "Cédula" of May 5th, 1768, His Catholic Majesty confirmed the disposition that the general "Comandancia" of the new settlements of the Upper and Lower Orinoco, and of Rio Negro, should remain under the control of the Governor and Commandant of Guayana, and whose limits were recalled as being *on the north, the Lower Orinoco, the southern boundary of the province of Cumaná, and Venezuela;* on the west, the Upper Orinoco, the Casiquiare and the Rio Negro; on the south, the Amazon River; *and on the east, the Atlantic Ocean.*

The Preliminary Statement of the Blue Book affirms (page 36) that a reference to the aforesaid "cédula" will show that it has no bearing whatever upon the question of boundary between the Dutch colonies and Spain.

On his part, Lord Salisbury, in his letter to Sir Julian Pauncefote, dated November 26th, 1895, says, that the above mentioned "cédula" cannot be regarded as an authorized determination, by the Spanish Government, of those territories; that "it absolutely ignores the Dutch settlements, which not " only existed in fact, but had been formally recognized by " the Treaty of Münster of 1648, and it would, if now con- " sidered valid, transfer to Venezuela the whole of the British, " Dutch, and French Guianas, and an enormous tract of terri- " tory belonging to Brazil."

Respecting the asseveration of the Blue Book, the explanation is very simple. In case that the coast from Barima to the Essequibo belonged to Demerara, the Spanish province of

Guayana would be then bounded on the east by this colony, instead of by the Atlantic, as is declared by the Royal "Cédula." This does not prevent that on the southeast, Spanish Guayana should border, and it did border, upon the Dutch colonies of Essequibo, Demerara, Berbice and Surinam. This is the bearing that the Royal "Cédula" evidently has upon the question of boundary between Venezuela and Great Britain.

Regarding the objection presented by Lord Salisbury, it falls to the ground upon reflecting that the Dutch colonies, according to the already quoted instructions of the Intendente-general, Don José de Abalos, in February, 1779, were commonly situated on the banks of the rivers in the neighborhood of the coast, and did not penetrate far into the interior of the country; and therefore, behind the Essequibo and the other Dutch possessions, eastward as far as French Guayana, and southward as far as the Amazon river, the territory was unoccupied by them, and inhabited only by wild Indians and numerous fugitive negroes, slaves of the Dutch. It ensues that, from the mouth of the Amazon, toward the interior, this river continued serving as the southern limit of the province of Guayana as far as the mouth of the Rio Negro.

There is no discrepancy between the aforesaid Royal "Cédula" and the Treaty of Munster, of 1648, as appears from what has previously been said, viz., that the Dutch colonies therein recognized by Spain were situated only on the coast of the province of Guayana.

In the same case was French Guayana, the possession thereof having been guaranteed by Spain in a general manner, in the family pacts celebrated with France.

As for Portuguese Guayana, Spain had agreed, by the treaty of 1750, to separate it from her possessions; but as this compact was annulled by another in 1761, between the same contracting parties, things were, about 1768, in the same condition as before 1750, when the Portuguese occupied in fact, but not by right, a part of the river Amazon, from its mouth upwards. It was in 1777 that Spain and Portugal again celebrated a preliminary treaty of limits, nearly in the same

terms as that of 1750 ; but this was never carried into effect, for want of accord between the respective boundary commissioners.

The situation of the Dutch, French, and Portuguese colonies being thus explained, all the other provisions of the Royal "Cédula" of 1768 remain in full force and vigor, so much so, that the Government of Colombia (New Granada) adduced evidence from it in disputing with Venezuela the exclusive possession of the Upper Orinoco, which had formerly, on various occasions, been recognized by them as belonging to Venezuela ; and it served also as a base for the award by the Government of Spain in 1891, by which not only the left bank of the Orinoco, from the mouth of the River Meta up to its confluence with the Guaviare, was adjudged to Colombia, but also a large number of villages beyond the great river, formerly, and for a long period occupied by Venezuela. The award was given at Madrid, on March 16th, 1891, and one of the clauses of its preamble states "that the starting point "and legal basis for the determination of the boundary line "in the second division of the sixth section, *is the Royal 'Cédu-"la' of May 5th, 1768,* respecting the meaning of which there "is a difference of opinion between the two High Parties "interested."

This Royal "Cédula" made a change in the views held by New Granada, which, by the unconcluded treaty of 1833 with Venezuela, had accepted a line distant from the Orinoco, and by the treaty of 1842, perfected, ratified and exchanged, had recognized the exclusive dominion of Venezuela over the Orinoco, as appears from the following words of Article XV: *"This freedom and equality, as to rights of navigation, are ex-"tended by Venezuela to the Granadian vessels navigating in the "waters of the Orinoco River, or of the Lake of Maracaibo, in "their entire extension, as far as the seacoast."*

Since 1844 this change of views appeared in the negotiations then carried on at Bogotá, with the object of determining the line of demarcation; and being stoutly upheld, it led, in 1891, to the above mentioned award against Venezuela.

Is it to be supposed that Spain could base its decision on an absurd decree?

The pretension of Venezuela to the Essequibo is founded also upon the treaty of extradition, concluded in 1791 between Spain and Holland, Article I of which says: "The mutual "surrender of white or black fugitives is agreed upon between "all the Spanish possessions in America and all the Dutch col- "onies, especially those where desertions have been most fre- "quently complained of, viz., between Porto Rico and St. "Eustatia; Coro and Curaçao; the Spanish establishments on "the Orinoco, and Essequibo, Demerara, Berbice, and Suri- "nam."

Venezuela argues that in this Article were placed in front of each other the Dutch and Spanish colonies, and that in the same way that Porto Rico is in front of St. Eustatia, and Coro in front of Curaçao, so are the Spanish establishments of the Orinoco placed in front of the Dutch establishments of Essequibo, Demerara, Berbice, and Surinam.

In the Preliminary Statement of the Blue Book (page 30), an effort is made to refute this argument by stating that, although Señor Calcaño suggested that the word Essequibo, at the end of the above Article, referred to the river, "a perusal "of the Treaty, both in the French and in the Spanish text, "shows that this suggestion is unfounded, and, further, from "the documents which passed during the negotiations for the "Treaty it is clear that the words Essequibo, Demerara, Ber- "bice, and Surinam were used throughout as the well-known "general descriptions of the Dutch Colonies, Essequibo being, "as before mentioned, the name commonly applied to all the "Dutch possessions between the River Essequibo and the "Orinoco."

It is understood that the said colonies were denominated with reference to the rivers near which they were situated; and thus the name of Essequibo was given to the colony terminating at this river, and the names of Demerara, Berbice and Surinam to those traversed by the rivers of the same designations.

If British Guayana, as is now pretended, reaches as far as

Barima and Amacuro, that is, up to the Orinoco, the Spanish and Dutch Colonies would no longer stand in front of each other, but would be indiscriminately confounded together in one place. The latitude attributed by the Blue Book (page 30) to the word "Essequibo" must be denied, with greater reason when, in another part (page 13), it is said that this colony also bore the name of the "Colony of Essequibo and dependent rivers."

The documents interchanged by the contracting parties during the negotiations for the afore-mentioned convention have not been presented, and, therefore, it is impossible to judge whether they authorized the exaggerated signification given to that word.

The claims of Venezuela are further strengthened by the terms of the Royal Decree of October 1st, 1780, relating to the inspection and population of the eastern part of the Lower Orinoco, in which His Catholic Majesty decided that "Don "José Felipe de Inciarte shall be sent anew for the purpose "of occupying and peopling the places specified in his report "of November 27th, 1779, and of constructing the two small "provisional forts which he deemed necessary: the one, to "protect against any possible insults from *the Dutch of Esquibo* "the village which is to be founded next to the cove formed "by the small River or Creek of Moroco, at a distance of "a quarter of a league from the post or guard held by the "Dutch, about eighteen leagues in advance from the Esquibo "towards the Orinoco; and the other fort, with four or six "cannon, in the same cove of the said Moroco River, with "the object of impeding the passage of any unfriendly craft. "The Dutch must be driven from the outpost there constructed "by them, it being well understood that if the Director-Gen- "eral, or Governor of Esquibo remonstrates against this act, "he shall be answered that such proceeding has been em- "ployed in conformity with the laws and general provisions "of the good Government of our Indies, *which do not allow* "*such intrusions of foreigners* in the Spanish dominions, and the "same shall be said if any remonstrances or reclamations are "made by the States-General."

In his report Inciarte said: "Besides the advantages as to "facility of population to be expected from a settlement on "the Bauruma hill, which is, as I have already stated, only "twelve or thirteen leagues distant from Essequibo, the banks "of the River Essequibo will also be reached by means of "four or five villages, and this being obtained, the Dutch will "be deprived of communication, not only with diverse Indian "nations southward of Essequibo, and all the 'caños' of the "Orinoco, etc."

The limits given to the province of Guayana in the Royal "Cédula" of 1768 are the same as those attributed to it by the History of Padre Caulin, Herrera, Padre Murillo Velarde, the Geographical Dictionary of Alcedo, Governor Diguja of Cumaná, Governor and Commandant-General Centurion, Governor Marmion, Governor Gill, the Engineer and Boundary-Commissioner Don Francisco Requena, etc., etc.

In the work entitled "Annals of Guiana,—Chronological History of the Discovery and Settlement of Guiana," are to be found the following passages, which prove that the Spaniards discovered and occupied the Essequibo; but, before inserting them, it will be remembered that, according to Schomburgk, the Essequibo was named after Don Juan Essequibel, an officer serving under Diego Columbus. The historian Netscher repeats the same, but affirms that the river owes its name to one of the officers of Columbus, and that from about the middle of the XVIII century, it was called Essequibo.

As additional testimony, it is affirmed in the Annals of Guayana, volume I, page 7, that Ojeda is supposed to have entered, in 1499, the mouths of the Essequibo and Orinoco. On page 37 it is said that "the Margaritans spread themselves "over the country; one party went as far as the Essequibo, "while another made a raid on a Carib village in the Moruca "of which Wareo was Captain, who, when twenty Spaniards "came to his town and sought to take his best wife from him, "before they carried her away, he at time and place of ad-"vantage killed half of them, while the rest fled, most of "them sore hurt."

It is stated on page 41 of the said Annals, that, according to Keymis, *the Spaniards intended to build a town on the Essequibo;* and the authors add: "*The Spaniards had made so many raids* "*between the Orinoco and the Essequibo that the Caribs were trying* "*to combine together so as to make a firm resistance. The Dutch say* "*that their settlements on the Essequibo were destroyed during this* "*year (1596) by the Spaniards* and Arrawacks. *Keymis, however,* "*either knew nothing of such a colony, or purposely avoided mention* "*of it as being likely to invalidate Raleigh's rights of discovery.*"

"On the 6th of April he arrived in the Orinoco after spend- "ing twenty-three days in exploring the coast, and was there "joined by twelve canoes full of Indian warriors ready equipped "to join him in a raid on the Spaniards. When Keymis heard "of their expectation, he was obliged to inform them that he "only came to trade and had not sufficient force to make any "attack on the Spaniards."

1596. (Page 47 of Annals.) "Here (at Oreala) Berrie "heard *that there were three hundred Spaniards in the Essequebo.* "Taking the two vessels up the river they came to the town "of Mawranamo, from whence, proceeding in boats and "canoes, part of the expedition reached the falls of this "river, where they were prevented from proceeding farther "in search of the Lake Parima, which was said to be situ- "ated a short distance from the upper Essequibo and could "be reached from the Carentyne, by a quarrel which had "occurred previously between Berrie's friends the Caribs "and the Accaways. Less than a month before the latter "had come from above the fall, and killed ten of the Ca- "ribs. Not wishing to be led into this quarrel, which might "cause trouble in the future, Berrie decided to return to "the ships. Here it was reported that the Spaniards had "gone out of Essequibo, and also that ten canoes of them "had come into the Corentyne, stories which he found to "be untrue."

In a letter dated February 2d, 1615, the Duke of Lerma informs the President of the Council of the Indies that the Dutch general, William Uselinex, was equipping vessels

with the intention of setting out to establish and people certain colonies on three or four shores of America, West India; the first at Wiapoco, the second at Cayenne, and the third at Surinam "*where there are some people, twelve or fifteen "Spaniards, who till the ground there in order to obtain the Cassava "root, of which bread is made, by order of the Governor of Trinidad "and Orinoco, Don Fernando de Berrio.*"

Surinam was the southernmost of the Dutch colonies, and if there existed there, in 1615, a colony of Spaniards sent by the Governor of Trinidad and Orinoco, it is most reasonable to suppose that they also exercised authority over the intermediate colony of Essequibo, through which they had to pass, as well as through Demerara, so as to reach Surinam.

There is no lack of authorities who affirm that, about 1648, when, by the Treaty of Munster, Spain recognized the independence of the Low Countries and their right of property to the acquisitions or conquests made by them in Guayana during the war, the Dutch had gone no further than Surinam, whatever may be at present said to the contrary.

On page 3 of the introduction to the lately-written History of British Guayana, by James Rodway, published in Georgetown in 1891, it is said as follows: "In the early part of the "seventeenth century the post was removed from the Pome- "roon to a little island at the junction of the three rivers, "Essequibo, Massaruni, and Cuyuni. *Here a more substantial "post was established, in a building said to have been erected there "by Spaniards, about 1591.* A fort was built and armed with "a few small guns, and named in honour of an influential "Dutch gentleman, Fort ter Hoogen, but this appellation soon "gave place to the descriptive name of Kyk-over-al (See "over all)."

It remains to make mention of the opinion of Colombian and Venezuelan statesmen, who, besides Señor Fortique and the Ministers, Doctors Eduardo Calcaño and Diego Bautista Urbaneja, have considered the Essequibo as the limit of British Guiana on the coast; at their head figure Señores Michelena, Aranda, Blanco, Urbaneja, Urdaneta, Falavera, Man-

rique, and Sanavria, who, in 1844, composed the Council of Government, and who had the opportunity to discuss this question on examining the proposal made by Lord Aberdeen to Señor Fortique, respecting which they presented a report to the Executive.

This matter had been studied formerly by the illustrious philosopher and veteran of the War of Independence, General José Felix Blanco, the eminent citizen Dr. Francisco Javier Yánes, the historian, poet, and publicist Señor Rafael Maria Baralt, and the journalists of 1841, date of the first English invasion into Barima, and Amacuro. Later on the jurisconsult Dr. Francisco J. Marmol wrote a pamphlet on this question. They all declared for the line of the Essequibo.

Several organs of the foreign press, at various times, and many geographers, have corroborated this opinion, as is demonstrated by the articles inserted in the "British Limits of Guiana," by R. F. Seijas, published in 1888, and by many other writings.

Lastly, not a few works and maps of foreign origin, which have been already sent to Washington (and these are not all) and of which a list of fourteen is hereto appended, bring impartial evidence in favor of the claims of Venezuela, which she, many times over, has signified her willingness to submit to arbitration.

It must be specially noted that some of these maps are British, from the map of J. Russell of 1794, up to those newly found, viz., one of Thomas Myers of the Royal Military Academy, adjoined to his Modern Geography, which was published in London in 1822, and another inserted in the New Universal Geographical Dictionary or Alphabetical Geography of the World, printed in London in 1825.

From what has been established, a judgment may be formed whether Lord Salisbury is right in saying that the British Government "cannot consent to entertain, or to sub-"mit to the arbitration of another power or of foreign jurists, "however eminent, claims based upon the extravagant pre-"tentions of Spanish officials in the last century, and involving

"the transfer of large numbers of British subjects who have,
"for many years, enjoyed the settled rule of a British Colony,
"to a nation of different race and language whose political
"system is subject to frequent disturbance, and whose institu-
"tions as yet too often afford very inadequate protection to
"life and property."

Judgment may also be formed as to the address with which the Blue Book repeats, at every step, that the claim of Venezuela, sustaining that her territory extends to the Essequibo River, has been based upon contentions which are in no way supported by the facts and cannot be justified upon any reasonable ground.

In the opinion of some, the alleged rights of Venezuela to the Essequibo are no longer simply absurd, or the result of a desire to deceive the people, but have become acts of audacity. Let us see.

In the "Archivo General de Simancas, Secretaria de Estado," Book No. 7636, Volume III, pages 304–306, the following paragraphs may be read: "In No. 13, and after treating, in No. 12, of the boundary dispute between Spain and "Portugal, August 7th, 1743, and of the convenience of forming two establishments to keep in check the Jews, who were "swarming between the banks of the Amazon and those of "the River Oro, the Council of State says, that equal attention should be paid to the purpose with which the Dutch established themselves *to windward of the River Orinoco* in Latitude 5° north and in the Longitude of nearly 225°, according to Deslisle, under the shelter of the island of Cayenne, "and in Latitude 6° north and Longitude 220° 40′, in the two "forts called Zealand, between the rivers named Surinam and "Compenam, which purpose can be no other than to approach "the mouth and margins of the said river, and insure, on its "banks, the establishment of several plantations which would "facilitate their traffic with the new kingdom, and enable them "to penetrate, by that route, and make themselves masters of "the places and localities coveted by them, and of the mouth "of the river, and of the nations inhabiting that region . .

"that, it being necessary to hold possession for this mouth of "the safeguard of the kingdom, it was no less so to prevent "the Dutch from approaching its borders, by water or by "land, having in view, to this effect, Articles V and VIII of "the Peace concluded with this nation in the year 1648; and "with this object, the mouth of the River Esequive is a suit- "able place, as it is of sufficient extension to form within it a "special province with a government separate from that of "Cumaná, as there exist within its limits many nations to be "reduced, and it would serve as a barrier to prevent the Dutch "from passing *to the west of the river,* it being therefore suit- "able to occupy with a fort the mouth of this river with a "view that the town founded under its shelter should serve as "the Capital." . . . .

Speaking of the Dutch settled at the Essequibo, to the west of which it is advised not to let them pass, and at the mouth of which river a fort should be constructed and a town founded, it is declared in the above quoted paragraph, that the said Dutch are established at the fifth degree of north latitude and to the windward of the River Orinoco. So that *windward* signifies in this case and in many others appearing in Spanish documents, neither more nor less than *eastward*, whatever may be the distance between the places whose situation is to be determined. Thus they are in error who think that a spot said to be to *windward* of another, is not only *eastward* of it, but also *contiguous* to it.

TITLE OF SPAIN TO GUAYANA.

By means of the Bull dated May 4th, 1493, and with the object of introducing the Christian religion among the people existing in the islands and lands recently discovered by Christopher Columbus, the Pope Alexander VI made a grant of all those islands and mainlands already discovered, and which might be discoverd, lying westward and southward of a line drawn from the Arctic to the Antarctic pole, and at a distance of one hundred leagues from the islands commonly called the Azores and Cape Verde, and which were not

at that time possessed by any other Christian King or Prince. This grant was made to Ferdinand and Isabella, the King and Queen of Castile, Leon, Aragon, Sicily, and Granada, to them and to their heirs and successors; it not to be understood, however, that this donation, concession and grant deprived, or might deprive, of his acquired rights any Christian Prince then in possession of such islands and mainlands.

The Treaty of Tordesillas, between the crowns of Spain and Portugal, signed on June 7th, 1494, altered the aforesaid demarcation, a new line being drawn from the north to the south pole, three hundred and seventy leagues to the west of the Cape Verde Islands, so that all islands or mainlands already discovered, or which might be discovered, to the east of this line by the King of Portugal and his vassals were to belong to the King of Portugal and his successors forever; and that all islands and mainlands already discovered, or to be discovered, by the King and Queen of Castile and Aragon and their vassals, to the west of the above-mentioned line, were to belong forever to the said King and Queen of Castile, Leon, etc., and their successors.

It will be seen that the crowns of Spain and Portugal divided among themselves the right of possession to the lands discovered, or to be discovered, in the regions granted to them by the Pope, thus virtually accepting such grant.

In consequence, numerous expeditions soon began to set out from Spain to Portugal in direction of the New World. These enterprises led to new discoveries and to the colonization of the parts already known and of others hitherto unknown. In this manner the Spaniards acquired, not only innumerable islands, but also the continent of South America and part of North America, besides the Pacific Ocean and many parts of the Atlantic, with their coasts, gulfs, bays, harbors, lakes, and rivers. The dominion of Spain extended over the whole territory of South America, excepting Brazil, of which the Portuguese had taken possession, and some points of the eastern coast of Guayana, which had been invaded by the French and by the Dutch.

In North America the Spaniards had conquered the center, as well as the vast Mexican Empire; and many of their intrepid and skillful navigators—Ponce de Leon, Fernández, Grijalva, Garay, Pineda, Vásquez de Ayllon, Cortés, Gómez, Pánfilo de Narvaez, Cabeza de Vaca, Coronado and Fernando de Soto—made many explorations at the beginning of the sixteenth century in search of the northeast passage, and discovered both Florida, the Mississippi and its valley, the Hudson, the Colorado river, the tributaries of the Rio Grande and those of the Mississippi, the coast of the Pacific, the bluffs of which they reached, and penetrated into Georgia, Alabama, Arkansas, and Missouri. They established themselves firmly in the Floridas and kept them in their possession, excepting a short interruption, until 1819, when Spain ceded them to the United States by the Treaty of February 22d. They were also, by virtue of the transfer made to them by France, to whom it was retroceded in 1800, owners of the territory now known as the State of Louisiana.

It is not to be wondered at, therefore, that the Spaniards in Florida proclaimed Philip II sovereign of all North America; nor is it surprising that the colonization of Virginia should have given offense in the Spanish peninsula, so far as to be looked upon as a cause of war, it having been effected by the English, who had forgotten their former regard of the Bull of Alexander VI, political relations between Spain and England having moreover been broken off on account of the repudiation of Catherine of Aragon.

The authority of the Popes began to augment from the time when the great Constantine ascended the throne of the Roman Empire. During the middle ages they enjoyed complete supremacy, which, according to the law of that epoch, extended over all Christian countries, the peoples consenting to this domination.

Washington Irving speaks of the authority of the Popes in the following manner (volume I, page 294): "During the "crusades a doctrine had been established among the Chris- "tian princes extremely favorable to their ambitious designs.

"According to this, they had the right to invade, ravage, and "seize upon the territories of all infidel nations, under the plea "of defeating the enemies of Christ and extending the sway of "his church on earth. In conformity to this same doctrine, "the Pope, from his supreme authority over all temporal things, "was considered as empowered to dispose of all heathen lands "to such potentates as would engage to reduce them to the "dominion of the church, and to propagate the true faith "among their benighted inhabitants."

The foregoing is well known to Great Britain, on account of the conspicuous part which she took in the fervent and repeated expeditions which set out for the conquest of the Holy Land, particularly in the third.

By virtue of the authority with which they were invested, or which was consented in, the Popes settled the disagreements occurring between the potentates of the world, so far as to dethrone kings, distribute territories, decree punishments, etc. Such were the customs of those times, and such they continued to be until a period not distantly removed from our own, and it was those customs which gave to the Pope the power to cede to Spain the lands already discovered, or to be discovered, in America, and to make Portugal, later on, a participant in them.

Such circumstances then must be taken into consideration in order to be able to examine rights which were created under their influence.

It is pertinent to read what Mr. Upshaw, Secretary of State of the United States, wrote to Mr. Everett on October 9th, 1843, and which is copied in Wharton's Digest, § 2: "How far "the mere discovery of a territory which is either unsettled, or "settled only by savages, gives a right to it, is a question "which neither the law nor the usages of nations has yet "definitely settled. The opinions of mankind, upon this point, "have undergone very great changes with the progress of "knowledge and civilization. Yet it will scarcely be denied "that rights acquired by the general consent of civilized nattions, "even under the erroneous views of an unenlightened age,

"are protected against the changes of opinion resulting merely "from the more liberal or the more just views of after times.

"The right of nations to countries discovered in the six- "teenth century is to be determined by the law of nations as "understood *at that time*, and not by the improved and more "enlightened opinion of three centuries later."

The London "Times" of the 7th March ultimo publishes an opinion on the Venezuelan boundary question, written by Mr. Emil Reich, Dr. Juris, who, on reaching the subject here discussed, says:

"It now remains to inquire into the legal points involved "in the present question. Spain, and now Venezuela, base "their claim on South American territories on the famous "Bull 'Intercœtera' of Pope Alexander VI (May 4th, 1493), "and on the Treaty of Tordesillas (June 3d, 1494). It does "not occur to us to question the power of Pope Alexander to "issue such a Bull."

"There can be no reasonable doubt that then, in the latter "half of the 15th century, the Popes were pretty generally "considered as the depositaries and exponents of public inter- "national law."

"That they ceased to be held as universal arbiters in the 16th "and still more in the 17th century; that their legal attitude to "the acquisition of 'ultramarine' countries was already, in the "16th century, most forcibly assailed and impugned by even "Spanish teachers of international law, such as Francis de "Victoria, Melchior Cano, Dominic Soto, Antonio Raminez, "&c.: all that does not legally affect the recognition of the "Pope as international arbiter in the latter half of the 15th "century.

"As was done by the present Pope in the arbitration case "between Spain and Germany *re* the Caroline Islands (1885), "so every fair critic must proceed now in the case between "England and Venezuela—we must apply to historic ques- "tions of the 15th century the principles of law of that very "century, and of no other. In thus accepting Alexander's "Bull as a legal title, we can yet not accept it as a clear title.

" The line of demarcation drawn by the Pope has never been " clearly fixed, and Harrisse has proved that, if anywhere, that " line struck the continent of South America so far west as to " exclude the territory between the Orinoco and the Amazone " rivers—that is, the Guayanas. To cap this it can be shown " that in the long transactions between Spain and Portugal re " their boundary disputes in South America in 1750 and 1777, " the Bull of the Pope, although directly bearing on the ques- " tion at issue, was never mentioned at all, et pour cause." All that is said by this lawyer is true except what is contained in the two last sentences. The representatives of Spain and Portugal never agreed to the line of demarcation drawn by the Pope in 1493, nor to the one defined by the Treaty of Tordesillas, which was also approved by the said Pope; but this was on account of the obstacles which, on all occasions, Portugal put in the way. It will be sufficient to read the preamble of the Treaty between Spain and Portugal, signed on January 13th, 1750, to become acquainted with the points in dispute between the two powers, " for not having ascer- " tained, up to the present, the true limits of those dominions " (in America), or the location to be given to the line of de- " marcation which is to be the unalterable guide to the boun- " daries pertaining to each crown," as is said in the first paragraph of the preamble, which includes the six succeeding ones.

The controversies bore upon the distance from the mouth of the Amazon to the city of Pará and to the colony of Sacramento near the mouth of the Rio de la Plata, in America; with a view to solve the question, it was agreed to regard the said Treaty of 1750 as the sole basis for the division of the dominions of Spain and Portugal in all America, and in Asia, and it was furthermore agreed to consider as abolished any right or action whatever which might be alleged by the two crowns in virtue of the Bull of the Pope Alexander VI, the Treaties of Tordesillas, Lisbon and Utrecht, the deed drawn up at Saragossa, and of any other treaties, conventions, or engagements whatever—all these, " as far as concerns the line

"of demarcation, will be considered as null and void, remaining, "in all other respects, in their full force and vigor."

In Article III of the preliminary treaty of boundaries of 1777 between the same nations, it is specified that one of the principal motives of the differences occurring between the two crowns had been the establishment of Portuguese settlements at Sacramento, the island of San Gabriel, and other ports and territories on the north side of the Rio de la Plata which had been claimed by Portugal.

By means of the Treaties of 1750 and 1777 between Spain and Portugal, the possession of the Amazon was left solely to Portugal from its mouth as far as the point where the Javary empties into it from the south, and in common to both powers from the said point to the westernmost mouth of the Japura; the line of division between the territories of the two countries continued along the center of this river and along the waters and rivers joining it and the Rio Negro, and, lastly, along the mountains extending between the Orinoco and the Marañon or Amazon, so that the Portuguese should not be able to go up the Japura and Negro rivers, nor up the other rivers joining these, nor ascend towards the Orinoco, nor reach the provinces settled by Spain, nor the desert lands which were to belong to her by treaty.

In this manner Spain and Portugal settled the differences that the question of boundaries had occasioned between them, setting aside the Bull of Alexander VI in what referred to the line of demarcation, but accepting it with respect to the rest, that is, the title conferred by it to present and future discoveries. Was not this a mention of the Pope's Bull?

As Spain and Portugal were the two nations favored by the Pope, they alone benefited by the Bull, and they alone had a right to complain of each other on account of any infractions that either might commit in prejudice of the other; and as they finally came to an understanding, it did not pertain to any other nation to interfere between them in their disagreements.

If the Guayanas were not comprised in the part allotted to

Spain, they must have belonged to that of Portugal, but as both nations mutually fixed the line of demarcation, all difficulty upon this point must disappear, and the argument of the jurisconsult, Mr. Emil Reich, is void of weight when he affirms that the line defined by the Bull of Alexander VI excluded the territory between the Orinoco and the Amazon rivers, that is, the Guayanas.

Don Jorgejuan and Don Antonio de Ulloa, Captains in the Royal Navy, members of the Royal Society of London, and corresponding members of the Royal Academy of Sciences of Paris, prove in their historical and geographical memorial and dissertation upon the memorial of demarcation, that the said meridian passed to the east of Pará and that the whole territory to the west, including Pará, which was comprised within the line, belonged to the crown of Castile.

As the region of Guayana lies completely to the west of the meridian which passes to the east of Pará, there is no possible doubt that the said region stood within the limits of the territory adjudged to Spain. If a portion of it was ceded to Portugal, this was done with the consent of both nations, with a view to reconcile their political interests in America, thus deviating from the line of demarcation fixed by the Bull of Pope Alexander VI, but without ceasing to recognize, in other points, the authority of this document, as they explicitly declare.

In order to strengthen still more the reasons adduced, it may be added that by another Bull, dated September 25th, 1493, the Pope augmented the donation made by him to the King and Queen of Spain on May 4th, of the same year, by including in it all the islands and mainlands whatsoever, found or to be found, discovered or to be discovered, which, on sailing westward or southward, were, or might be, or should appear, whether situated in the western, or southern and eastern parts of the Indies.

Admitting then, the value of that document, which no one could understand more perfectly than Spain and Portugal, it results that the part of Guayana adjudged to Spain rightly be-

longed to her, whether it was occupied or not, whether inhabited or deserted, whether in the interior or on the coast, or whether possessed in peace or perturbed by the intrusion of contrabandists or filibusters; and this even setting aside the title of contiguity, which would at once suffice.

It matters not whether Phillimore affirms that the said concessions of the Pope in favor of Spain and Portugal and the decisions given between them, as well as the pertinent agreements made by both nations, were always disregarded by Great Britain, France, and Holland, although Spain and Portugal always sustained them until the result of many bloody wars demonstrated how futile they were.

If those acts, then, were lacking in importance, why was their validity recognized even by those who disregarded them?

"All Christian princes recognized the validity of these Bulls "and it is even affirmed that some British merchants having "desired to carry on trade with Guinea, the King of Portugal, "John II, called upon Edward IV, King of England, to im- "pede such trade, basing his demand upon the dominion con- "ceded to him over that territory by a Papal Bull. The pro- "hibition was carried into effect, the British monarch being "convinced of the claimant's rights." Thus writes José Maria Quijano Otero, in his historical essay upon the limits between Colombia and Brazil, as he quotes Hakluyt's Navigation, Voyages and Traffics of the English, vol. II, part II, page 2.

In Article VII of the Treaty between Great Britain and Spain for the re-establishment of friendship and amicable relations in America, concluded in Madrid on July 18th, 1670, and ratified on August 12th and December 8th of the same year, and renewed in 1713, 1763 and 1783, it was agreed as follows:

"All offenses, damages, losses and injuries which the nations "and people of Great Britain and Spain have at any time here- "tofore, upon what cause or pretext soever, suffered by each "other in America, shall be expunged out of remembrance "and buried in oblivion as if no such thing had ever past."

Moreover it is agreed that the Most Serene King of Great Britain, His heirs and successors, shall have, hold, keep and enjoy "forever, with plenary right of sovereignty, dominion, pos- "session and property, all those lands, regions, islands, colonies, "and places whatsoever, being or situated in the West Indies, or "in any part of America, which the said King of Great Britain, "and His subjects, do at present hold and possess, so as that in "regard thereof, or upon any colour or pretence whatsoever, noth- "ing more may, or ought to, be urged, nor any question or con- "troversy be ever moved concerning the same hereafter."

At the foot of this article, which is copied from the collection of the Treaties of peace of Spain, by Don Josè Antonio de Abren y Bertodano, appears the following (page 508, Volume X):

"The fact of having omitted to state in this article which "were the lands, provinces, islands, colonies, and dominions "possessed at that time in the West Indies by the English, has "occasioned various disputes, and the same omission occurs "in Articles V and VI of the Peace with the United Provinces "in 1648. And, although a writ (cèdula), issued on July 7th, "1689, asserted in Nos. 16 and 27, among other things, that "the islands belonging to the British in America were Barba- "does, New England, a part of St. Christopher, Canada, and "Jamaica, still, in a volume in 8 vo, written in English by Mr. "Richard Blome, and afterwards translated into French and "printed at Amsterdam in 1688, under the title of 'British "America, or description of the islands and lands of the King "of England in America,' it is supposed that, in addition to "the colonies expressed in the aforesaid 'real cèdula,' the Brit- "ish possessed in those parts, the four provinces of New Jer- "sey, Pennsylvania, Maryland and New York, and the islands "of Nevis or Mevis, Antigna, St. Vincent, Dominica, Mont- "serrat, Anguila, Caroline, Newfoundland and Tobago, having "occupied, later on, the one called Providence, all of which, "and others ultimately occupied by the French, Dutch, and "Danish, were, in the year 1645, under the dominion, and in "the possession of the crown of Spain; for, at the Diocesan

"Synod, celebrated in that same year in the island of Porto "Rico, and which was approved, in 1647, by the Council of "the Indies, were present, as recorded on page 127 of the "proceedings, and in right of belonging to the jurisdiction of "the said diocese, the secular and ecclesiastical procurators of "the following islands: Barran, Santa Cruz, The Virgins, An- "guila, Sombrero, St. Martins, St. Vincent, Saba, St. Eustatia, "St. Christopher, Nevis, Redonda, Montserrat, Illan, Faria, "Barbadoes, Guadeloupe, Dèsirade, Marigalante, All Saints "and Dominica, which are all windward islands; because the "representatives of the leeward islands assisted at the Synods "of the Diocese of Cuba upon which these islands were de- "pendent."

Speaking of this treaty, Cantillo says: "Article VII is the "most worthy of attention, for it was, later on, the origin of "innumerable disputes between the two crowns. *By that ar-* "*ticle Spain secured to the British king the dominion of all the* "*territories he, at that time, possessed in America.* The Min- "isters of his Catholic Majesty were not aware that in that "immense continent, its extensive coasts, and innumerable "islands, the English had secretly established settlements, the "existence of which was not even suspected. The Spanish "Government tried to modify, later on, the inexcusable exten- "sion given to this article, by publishing, on June 7th, 1689, "a royal cédula which designated, as English possessions, Bar- "badoes, New England, a part of St. Christopher, Canada, "and Jamaica; but the Government of England refused to "submit to this limitation, pretending that its dominions were "more widely extended."

It is beyond comprehension how Great Britain, after signing such a treaty, denies the right of Spain over all the continent of America, whether her title be derived from papal conces- sions or by right of discovery. Great Britain undoubtedly asked and obtained from Spain the cession of *all the lands, regions, islands, colonies, and places whatsoever, situated in the West Indies or in any part of America which the said King of Great Britain, and his subjects, held and possessed in* 1670, *for*

himself, his heirs and successors forever, with plenary right of sovereignty, possession and property, so as that in regard thereof, or upon any color or pretense whatever, nothing more may or ought to be urged, nor any question or controversy be ever moved concerning the same hereafter.

All this signifies that, in spite of the contempt in which the rights of Spain seem to be now held by Great Britain, still, in 1679, she respected them, not considering as fully guaranteed or complete, the acquisitions she had made in the West Indian continent and islands, that is, in America, without sanction from the nation which had discovered these lands and declared them its own. It would be absurd to suppose that no significance was attached to the above mentioned treaty, because, when nations celebrate such contracts, they are guided by serious motives, and pay full attention to their own rights and interests, in order to establish them, with all solemnity, in those documents, which are the most formal and authentic declaration of their will, and the most unimpeachable testimony of the obligations therein contracted. The only object Great Britain had, or could have in mind, was to prevent future controversies which might be caused by the manner in which British settlements had been established in America, without the approval, or even the knowledge, of the state which considered itself so thoroughly the owner of these lands, that it prohibited to all nations the trade with them, and even the navigation of their seas.

The English crown recognized, therefore, the rights claimed by Spain, or what is equivalent, the value of the concessions made by the Popes; and this was not at the time when England was in good intelligence with Rome, but in 1670, more than a century after its rupture with the Roman Church.

If Lord Salisbury had taken into consideration that treaty of 1670, by which Spain concedes "to the King of Great Britain, his heirs and successors, the right to hold, keep and enjoy forever, with plenary right of sovereignty, dominion, possession and property, all those lands, regions, islands, colonies and places whatsoever, being or situated in the West

Indies or in any part of America, which the said King of Great Britain, and his subjects, do at present hold and possess," he would not have said, in his note to Sir Julian Pauncefote dated November 26th, 1895, that certain reports "form, "however, with a map which accompanies them, the evidence "on which the Venezuelan Government appear most to rely, "*though it may be observed that among other documents, which* "*have from time to time been produced or referred to by them in* "*the course of the discussions, is a Bull of Pope Alexander VI,* "*in 1493, which if it is to be considered as having any present* "*validity, would take from the Government of the United States* "*all title to the jurisdiction on the Continent of North America.*"

The inference drawn from this hypothesis is not logical, since at the time of the treaty of 1670, there already existed most of the thirteen English Colonies which, on July 4th, 1776, declared themselves independent of the mother country; these colonies were New England (which comprised the six eastern ones of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut), New Jersey, Pennsylvania, Maryland, New York, and Carolina, and Virginia, the oldest of all. Spain having recognized, in 1670, the sovereignty of the British King over these provinces, it is evident that at this day she could raise no question as to the said sovereignty.

In this way, the British acquisitions in the territory known at present as the United States of America, with which Spain made in 1795 a treaty of friendship, limits and navigation, are in the same case as those attained by the Dutch and Portuguese in Guayana, the former of which were recognized by the Treaty of Munster in 1648, and the latter by the Treaty of St. Ildefonso in 1777; from all of which it ensues that Holland, Portugal, and Great Britain recognized the superior right of Spain to the territories improperly occupied by them in the American Continent. Let it be noted that Great Britain had no possessions in Guayana either in 1670, when the treaty was celebrated, or in 1713, 1763, and 1783, when it was renewed.

The same may be said with reference to France, for the following reason: Spain had sent to North America

various expeditions which explored the valley of the Mississippi and the region called Florida, where they settled in the year 1547; but the opposition from the natives prevented them from carrying out their designs, and they were obliged to withdraw without having constructed a Spanish fort on the coast of the Atlantic, or occupied any fort, or established any plantation. Subsequently to their withdrawal, the French, under the command of Jean Ribault, engaged, in 1562, in the enterprise of conquering this same land of Florida. Ribault explored the coast, erected a stone on which were engraved the Arms of France, as a sign of dominion, and, leaving in charge twenty-six men on the banks of the River Beaufort, he returned home; but disputes having arisen among these men, and being prompted by a love for their native country, they abandoned the place in 1563. In the next year, Laudonnière led to Florida a greater number of emigrants, established himself with them on the banks of the St. John, and constructed a fort which he named Carolina. Quarrels which shortly after ensued among them, and the scarcity of victuals, induced them to determine their return to France; but Ribault arrived at this juncture, bringing provisions of all kinds, emigrants with their families, garden seeds, agricultural implements, and various classes of domestic animals.

Spain had never given up her claim to the dominion of that territory.

When the news arrived that this land was invaded by Calvinists, Pedro Melendez de Avilez obtained from the King of Spain authority to raise an expedition of 2,500 persons, and, taking upon himself all the expenses, except those of 300 soldiers, he set out against the invaders.

He landed before the arrival of all his people and took possession of the Continent in the name of King Philip II, proclaiming him Monarch of all North America.

The French determined to draw them out by means of their ships, but a storm arising, these were driven upon the coast, while the Spanish vessels suffered less. The Spaniards then disembarked and, attacking the feeble garrison, quickly over-

came it, made themselves masters of the fort, and massacred soldiers, women and children, and the old and sick. A few fugitives escaped in two small French vessels, which had remained near the coast. Thus disappeared this Colony of France.

The French Government not only did not remonstrate against Spain, but even disapproved the expedition of these Frenchmen, and gave up all claims to Florida, of which Spain took possession as a part of her dominions. (History of the United States, by Bancroft, Chap. IV.)

As for the Dutch, they equally consented in regarding Spain as the sovereign of America, by the fact of accepting from her the approval of their usurpations in Guayana, as appears from the Treaty of Munster of 1648, in which it was stipulated that both "the said King and States-General shall "remain respectively in possession and enjoy the benefit of "such lordships, towns, castles, fortresses, commerce, and "lands of the East and West Indies, and also of Brazil and of "those on the coasts of Asia, Africa and America, respectively, "as are presently held and possessed by the said King and "States-General, comprising, especially, the spots and places "which have been taken in the said States-General and occu-"pied by the Portuguese since the year 1641, and comprising "also the spots and places that the said States-General may "hereafter, and without infraction of the present Treaty, con-"quer and possess; and the directors of the Company of the "East and West Indies of the United Provinces, etc.—(Ar-"ticle V.)"

The fact of one state accepting from another authority to remain in possession and have the benefit of the territories it possesses, implies two things: First, an inherent defect in the present title of possession; and secondly, the renunciation by the grantor of the right with which he is invested, in order to remedy the defective juridical position of the grantee. And, as it is a legal axiom that "*nemo dat quod non possidet,*" it is evident that Spain, having renounced in favor of the Low Countries her dominion over certain places in the West Indies,

this was because she possessed such dominion before, and now thought fit to relinquish it.

Setting aside the Bull of Pope Alexander VI., it must always be remembered, in conformity with Law I., Book III., of the "Recopilation of the Indies," and as Story says in his Commentaries on the Constitution of the United States, (Vol. I.—pp. 7 and 8), that "Spain did not rest her title solely on the grant of the Pope"; that her discussions respecting boundary with France, with Great Britain and with the United States, all show that she placed it on the rights given by discovery"; that "Portugal sustained her claims to the Brazils by the same title"; that "France, also founded her title on discovery"; that "no one of the powers of Europe gave its full assent to this principle more unequivocally than England, the documents upon this subject being ample and complete"; that "so early as the year 1496, the English monarch granted a commission to the Cabots to discover countries, then unknown to *Christian people*, and to take possession of them in the name of the King of England."

No one can deny that Spain was the discoverer and occupant of the New World, thanks to the expedition of Columbus, which, as it is acknowledged by everybody, was the most memorable of all the maritime enterprises recorded in History. And not only did Spain make the marvellous discovery, but she also occupied, colonized, and civilized the greatest part of the lands found by the illustrious Genoese in North America, from the valley of the Mississippi and the two Floridas as the empire of Montezuma, and in South America the whole continent, excepting only Brazil and the settlements established on the coasts of Guayana by the Dutch, French, and Portuguese, whose rights were legitimized by Spain in the Treaties of 1648, 1750, 1777, 1778, and 1733.

Spain also extended her dominion over the seas adjacent to the Western Hemisphere, the Atlantic and Pacific, with their numerous islands, among which figure in the first rank, San Salvador, Hayti or Hispaniola, Cubagua, Trinidad, Jamaica, Cuba, Porto Rico, the Bahamas, etc., etc., besides the gulfs,

bays, harbors, and lakes, and the broad rivers which have their sources in the immense mountains of America.

Without the initiative of Spain these regions would have remained ignored by the nations of Europe, some of which contemned the projects of Columbus, considering them the offspring of a disordered brain. There is, therefore, no justice in attempting to undervalue the portentous deed, or in finding it strange that Spain should consider herself entitled to claim the results of the discovery as a privilege due to her successes, and to the daring expeditions of her navigators and resolute adventurers.

Now then, when a nation occupies a territory, it acquires, not only what it actually possesses, but also, "all that is essen- "tial to the real use of the settlers, although the use be only "inchoate, and not fully developed; over all, in fact, that is "necessary for the integrity and security of the possession, "such necessity being measured by the principle already ap- "plied to the parts of the sea adjacent to the coasts, namely: "'*ibi finitur imperium ubi finitur armorum vis.*' The applica- "tion of the principle to a territorial boundary is, of course, "dependent in each case upon details of the particular topog- "raphy."

Phillimore, thus speaking, quotes Martens who says: "A "nation which occupies a district must be considered as occu- "pying all the vacant parts that compose it; its property ex- "tends even over the places left uncultivated and over those "the use of which is allowed to every one."

Phillimore also appeals to Vattel; but this author condemns excessive appropriation, that is, the appropriation of a territory greater than a state is capable of settling and cultivating.

Calvo establishes this doctrine very clearly in paragraph 281, fourth edition, of his Theoretical and Practical Treatise on International Law, as follows:

"Even in the case of occupation of regions still in a savage "condition, the right of states to appropriate a greater extent "than they can civilize or control is disputed. Still it must be "well understood that this dispute can only be applied to re-

"cent acquisitions or occupations, and not to possessions already "of long standing, which are sanctioned both by time and by "a historical right, and which form, properly speaking, an ex- "ception, generally admitted, to the preceding rule. When "a state is in possession of a territory, all that is contained in "this territory becomes its property, even if its occupation ex- "tends effectively only to a portion of the territory. If the "state leaves certain places uncultivated or desert, no one has "a right to take possession of these places without the state's "acquiescence. The state owning them may make no pres- "ent use of them, these places belong to it and depend on its "sovereignty; it has an interest in keeping them for ulterior "use; it is not obliged to render an account to any one of the "manner in which it disposes of its own property. Such is "especially the case with the United States of North America, "Mexico, and the states of South America, which possess vast "territories as yet unpeopled, or inhabited only by savage "tribes."

According to Practièr-Fodéré, the same doctrine must be applied to new acquisitions.

This doctrine is partially that of Vattel, who says in Book II, Chap. VII, §86: "As everything included in the country "belongs to the nation, and as none but the nation, or the per- "son on whom she has devolved her right, is authorized to dis- "pose of those things (§79), if she has left uncultivated and "desert places in the country, no person whatever has a right "to take possession of them without her consent. Though she "does not make actual use of them, those places still belong "to her; she has an interest in preserving them for future use, "and is not accountable to any person for the manner in which "she makes use of her property. It is, however, necessary "to recollect here what we have observed above (Book I., "§81). No nation can lawfully appropriate to itself a too "disproportionate extent of country, and reduce other peoples "to want subsistence and a place of abode. A German chief, "in the time of Nero, said to the Romans, 'As heaven belongs "to the gods, so the earth is given to the human race; and "desert countries are common to all,' giving those proud con-

"querors to understand that they had no right to reserve and "appropriate to themselves a country which they left desert. "The Romans had laid waste a chain of country along the "Rhine, to cover their provinces from the incursions of the "barbarians. *The German's remonstrance would have had a "good foundation had the Romans pretended to keep without "reason a vast country which was of no use to them; but those "lands which they would not suffer to be inhabited, serving as a "rampart against foreign nations, were of considerable use to the "empire."*

Uniting this last passage with the one referred to in Book I, §81, it results that what is forbidden to a nation is, first, to annex a greater territory than it can civilize or administer, and secondly, to appropriate regions whose possession might not redound to its safety.

If this doctrine be applied to Spain, who had taken possession of all the region comprised between the Floridas and Patagonia, that is to say, of nearly the whole extent of the American continent, civilized and controlled by her during more than three centuries, no one will say that she could not do the same with regard to all the territory of Guayana, which she had erected into a province of the Captaincy-General of Venezuela, and whose extension towards the Amazon she asserted in the documents already quoted, in the Treaties of 1750 and 1777 with Portugal, and in the "cédula" of September 16th, 1736, approving the convention by which the sphere of action of the Observant, Capuchin and Jesuit missionaries was defined by means of lines all terminating in the Marañon or Amazon.

The possession of all Guayana was indispensable to Spain in order to perfect her territory and secure the safety of her dominions, and this will be easily understood by any one remembering that Spain had established herself in Venezuela and the new kingdom of Granada; that both countries were united by the extensive network of their great and numerous rivers; that these rivers formed the roads opened by nature in order to provide communication between the inhabitants of these regions, as an outlet for their products and articles of trade and as a means for the reception of foreign articles for

the satisfaction of their necessities; that in case of war, these rivers would also efficiently aid in the operations of attack and defense, these circumstances being most natural with reference to a country like Spain, whose laws prohibited all intercourse with foreigners in her dominions of America, under penalty of death.

The Dutch invaded the coasts of Guayana with a view to carry on contraband trade during the period of their rebellion, and as an act of hostility against Spain, whose dominion they wished to throw off, and this invasion produced, as a lamentable result, the loss of the places where they had established themselves and which were confirmed to them in 1648; and it occasioned their pretensions to extend their territory, being now imitated by their successors, the British, who have gone so far as to occupy forcibly at present the mouths of the great river, and certain regions in the interior of this country.

How much Spain was interested in exclusively possessing Guayana will be easily understood on observing that, by means of these rivers, Venezuela is united to the Republics of Colombia, Brazil, Ecuador, Peru, Bolivia, Uruguay, Paraguay and the Argentine Republic, the rivers of which countries join their waters with those of Venezuela. In his description of Guayana, published in London in the year 1840, Schomburgk extols these same advantages acquired by Great Britain, by means of the possession of the Essequibo, which river, being situated in the territory of Guayana, belonged to His Catholic Majesty, and is now considered by Great Britain as belonging to her in all its course, together with the adjacent territories.

Some people think that Spain gave too much expansion to the principle of contiguity, which is precisely the subject of the present examination, by the fact of applying it to the whole territory, and even to the seas, of the continent discovered by her; but, as demonstrated by the reasons already given, this censure is not, nor can be, applicable to the appropriation of the region called Guayana, as it was the complement of the Vice-Royalty of Santa Fé and of the Captaincy-General of Venezuela.

THE CUYUNI BASIN.

It is nowhere explained upon what grounds Great Britain bases the statement that, in the interior, the boundary line of her Guayanese Colony begins at the mouth of the River Amacuro, follows its course, continues afterwards to the southwest, and, on reaching the sixty-first meridian, turns back to the southeast, then proceeds in its primitive direction and extends along the bank of the Cuyuni up to its source, including it in the territory of the Colony, and lastly, runs towards the Roraima Mountains. The question involves an immense interior region, not only the one washed by the Cuyuni and its affluents, but also that comprised between the above described line and the Essequibo. Nevertheless, the Colony consisted at first only of certain places situated at the mouth of this river.

The Preliminary Statement of the Blue Book refers to the matter in question, with regard to the Cuyuni, as follows: 1° (Page 9.) "By 1700 posts had been established by the Dutch "at places on the coast and the interior. Three of the latter "are named in the records, one being beyond the Cuyuni in "the Pariacotte Savannah, about six weeks' journey from Fort "Kijkoveral."

2° (Page 9.) "In 1730 the Dutch West India Company, "by public notice, prohibited trade in the Rivers Massaruni "and Cuyuni except by their own agents."

3° (Page 11.) "The extent of the Dutch settlements is "shown by the Report of Alvarado, the Spanish Commissioner "employed by the chief Commissary. This report shows "that the Spaniards held no territory beyond that occupied by "the Missions already referred to, and further, that owing to "the presence of the Dutch the Commissioner could not pene- "trate beyond the banks of the Cuniri, Miamo, and the other "rivers which flow into the Yuruari, and could not reach as "far as the Cuyuni."

4° (Page 11.) "In 1754 the Dutch Director-General of "Essequibo reported that a Spanish Mission which had been "established on an affluent of the Upper Cuyuni had been

"withdrawn at his request, and upon his intimating that unless "this was done he should be compelled to use means which "would be disagreeable, for the purpose of effecting its re- "moval."

5° (Page 11.) "In 1755 the Dutch, in order to prevent en- "croachment by the Spaniards into territory of the Yuruary, "which they considered to be indisputably Dutch territory, "established a post 50 'mijls' (150 miles) higher up the "Cuyuni; *the position of this post is shown approximately on "the sketch map A.*"

6° (Page 12.) "The Dutch authorities were in the habit of "granting passports permitting persons other than Dutch sub- "jects to visit all parts of their Colonies including the district "of Cuyuni. The Spanish records show that this practice was "well known to the Spanish authorities. The instructions to "the Dutch Post-holders of the Cuyuni district in 1757 con- "tained, among other directions, the following:

7° (Page 12.) "'The official of the said post will be very "'careful not to cause any injury to be done to the Spaniards, "'who are our good neighbors, and in all he will maintain "'good friendship and correspondence with them. But at the "'same time he will be most careful not to permit the said "'Spaniards to pass to the River Cuyuni, if by any chance "'they are desirous of so doing, or in any part of the terri- "'tory of our Colony; and in case they attempt to molest the "'official of the said post or guard, he will immediately dis- "'patch a man to the Governor's Castle to advise him promptly "'of the same'."

8° (Page 12.) "In the same year (1758) the Spaniards, in "violation of their Treaty engagements, attacked the Dutch "post in the upper part of the Cuyuni above mentioned, and took "prisoners the persons found there, including the Post-holder "and the commercial agent. The Dutch protested against "such conduct, *but the Governor of Cumana declined to release "the prisoners, alleging that they had been engaged in contraband "commerce and slave-trade on an island in the Cuyuni River "which he claimed to belong to Spain.*"

"Thereupon in 1759 a strong remonstrance was sent by the "States-General to the Court of Madrid, asserting their right "to all branches of the Essequibo River, and especially the "Cuyuni, asking for satisfaction for the attack on the Dutch "post in the Cuyuni, *and also suggesting that a proper limit be-* "*tween the Colony of Essequibo and the River Orinoco should be* "*laid down by authority.*"

"This remonstrance was delivered at Madrid in August, "1759, with a demand for reparation; *it never received a formal* "*answer, nor were the Dutch claims ever repudiated.*"

9° (Page 14.) "Between 1765 and 1767 the Dutch re-es- "tablished their advanced post on the Cuyuni, and in 1767 "the Director-General asked that it might be reinforced to "meet a possible Spanish attack."

10° (Page 14.) "In 1768 a raid was made by the orders of "Centurion, the Spanish Commandant, against the Dutch who "were established upon the Barima in the immediate vicinity "of the grand mouth of the Orinoco. Strong complaints of "this raid were made by the Dutch to the Spaniards."

"A similar raid was made rather later in the year upon the "Waini and Moroco. This latter proceeding was, however, "disavowed by Centurion, who stated that the authority which "he had given to the expedition did not extend further than "the mouth of the Orinoco."

11° (Page 14.) "In 1769 the Dutch Governor having re- "ported further attempts of the Spaniards to establish Mission "settlements *near Dutch territory on the Cuyuni,* the States- "General, on the 2d August, delivered to the Court of Spain "a formal remonstrance against the proceedings of the Span- "iards of Orinoco."

"This remonstrance reasserted the full claim of the Dutch, "affirming that they had:

"'From time immemorial been in possession, not only of "'the River of Essequibo and the different rivers and creeks "'which flow into the sea along the coast, but also of all branches "'and streams which fall into the same River of Essequibo, and "'more particularly of the most northerly arm of the same river

"'called the Cayœny: that from time immemorial also on the "'same River Cayœny, which is considered a domain of the "'State, there had been built a so-called post, consisting of a "'wooden habitation possessed on behalf of the Company, like "'several others in this Colony, and guarded by a post-holder, "'an outpost or settler with some slaves and Indians.'"

"No repudiation of this claim was ever made. On the con- "trary, the Netherland Ambassador at Madrid obtained a "promise from the Prime Minister 'that he would send orders "'to the (Spanish) Governor to discontinue all hostilities and "'to leave those of the Dutch Colony in quiet possession as "'they had possessed the same until now.'"

12 (Page 14.) "A formal report was sent home by "Centurion in April, 1770, containing, among others, the fol- "lowing important statements:

"'We have no fort in the Cuyuni, nor had we ever one "'there. The two forts are nothing more than the villages "'of the Missions on the northern bank of the Yuruary.'"

13° (Page 15.) "There was appended to this report a "Declaration of Padre de la Garriga, the Prefect of the Mis- "sion who had been twenty-seven years in Guiana.

"'That the declarant does not know, nor has ever heard, "'that the Spaniards have built a fort in the Cuyuni, nor in its "'immediate neighborhood, neither with few nor with many "'soldiers; but he is persuaded that M. (Storm) de Grave- "'sand has imagined such things, from the two Missions or "'villages of Indians that the Catalonian Capuchins founded "'in the years 1757 and 1760, one on the north bank of the "'River Yuruary, an affluent of the Cuyuni, and at a distance "'of 70 leagues from the destroyed post of the Dutch, and "'that the foundation which he has for thus believing is "'that we have no other establishments in that part.'"

14° (Page 15.) "Prior to the end of 1772, Centurion had "sent in several reports respecting the Province of Guiana. "It is not necessary to consider the details of those Reports, "because, as will be shown, their inaccuracy was pointed out "by the Spanish authorities themselves. He recommended

"that a fort should be built at the mouth of the Curumo, "which is an affluent of the Cuyuni, in order to prevent the "Dutch and Caribs from entering the Spanish dominions. "The Report was accompanied by a map, which, while it "showed the Dutch in possession of the coast to a point be- "yond the Maroco, represented, contrary to the fact, that the "interior of the country was not occupied by them."

"This Report was not approved by the Spanish Govern- "ment on the ground that the view and opinion of the Com- "mandant Centurion showed the Province of Guiana under "too favorable a light, and on the 30th December, 1772, Cen- "turion was directed to make a further Report."

On mentioning this last Report, the Blue Book says that it contained a still more exaggerated statement of the Spanish claims, by including the whole of the Dutch establishments and of French Guayana right down to the Amazon, an extent of territory which Spain had never attempted to occupy or even to claim, unless the pretension that the whole of America belonged to the Spanish King by virtue of the Papal Bull of 1496, can be regarded as a claim; that it must be regarded as untrustworthy; that it was commented upon by the Contaduria-General or Council of State, and that the resolution of the said Council closed with the following passage:

"And lastly, the Council informs Your Majesty that, having "received more particular information regarding these Re- "ports of the said Governor, which in some manner make "them appear very improbable, they therefore require to be "scrupulously examined, and consequently the Council recom- "mend to Your Majesty that information in regard to those "Reports be procured from the Viceroy of Santa Fé and Gov- "ernor of Caracas, etc., and from the various Secretaries of "State, Council of the Indies, and Superiors of the Capuchins "resident in Spain; and then when all the Reports are re- "ceived and examined, the Council will report to Your Maj- "esty what is just and worthy, etc."

15° (Page 18.) "During the time that Marmion was Gov- "ernor attempts were made to protect the easternmost Mis-

"sions in the neighborhood of the Yuruari River against the "Dutch and the Caribs. With this object it was proposed to "build a post with a guard on some convenient site either at "the junction of the Yuruari with the Cuyuni, or at the fork "of the river called the Curumo or Curiamo. An official ex- "ploration was made by an officer named Don Antonio Lopez "de la Puente, who, being unable to carry out his exploration "owing to the low state of the water in the Yuruari, issued a "special notice to the missionaries to the effect that,

"'As it was his intention to return to carry out his work, the "'greatest possible care should be taken to prevent the Caribs "'from going to Essequibo meanwhile, lest in so doing they "'should inform the Dutch of the explorations made so far "'and the object in view in carrying them out, for if the Dutch "'learned of their intentions of putting a post in any of those "'places, they would be sure to attack them and prevent them "'carrying out their design.'

"The Spanish records show that there was great question "in 1788 whether the village of Tumeremo could safely be "founded, and that every precaution was taken to conceal the "proposal from the Dutch, who were evidently expected to "treat any movement within the basin of the Cuyuni as an in- "fraction of their rights."

"The following is an extract from the Report of Marmion "referring to the expedition connected with the establishment "of the village:

"'Should the news of this expedition reach that Colony (Es- "'sequibo), there is no doubt that the same misfortune would "'happen as took place on the occasion of the expeditions to "'Parime when all were nearly massacred.'

"Upon this the Spanish Fiscal reported to the Council of State:

"'It will be necessary to examine with the greatest care "'this matter, in order to clearly understand whether the "'founding of this "pueblo" would be well on account of one "'of the most delicate points in the circumstances, and it is nec- "'essary that His Majesty be very particularly informed of "'everything concerning it.'"

"The Fiscal in a further Report in the year 1789 recommended that a settlement should not be established at "Tumeremo, unless a post was also stationed in the fork of the "Curiamo, a tributary of the Cuyuni, to cover these frontiers "and prevent the robberies of the Dutch and Caribs. This "post was never established."

These assumptions are answered as follows:

The first and principal answer is that they are all based upon the erroneous supposition that Holland and not Spain was the discoverer of the Essequibo, and that therefore application must be made of Schomburgk's doctrine "to follow the limits which nature prescribes by means of its rivers and mountains, and to include within the British territory all the regions drained by the streams that fall into the Essequibo."

No. 1.—In support of No. 1, wherein it is stated that by 1700, the Dutch had established posts in the interior, beyond the Cuyuni, in the Pariacotte Savannah, the Hague records are appealed to but not presented.

No. 2.—As for No. 2, mention is made of a public notice, in English, by which a certain Mr. A. Geelskerken forbids the inhabitants of Essequibo from carrying on any trade in slaves in the rivers of Maseronie and Cajoenie because the said two rivers have been open only to the private commerce of the West India Company. Neither the Dutch text of this notice, nor certification of its authenticity, nor proof that it was obeyed, is given.

No. 3.—Attention is called to Appendix I, pp. 70–83, but it is on pp. 84–86 that appears the report of Don Eugenio Alvarado to Don José de Iturriaga and what he says is that he "would have penetrated as far as the Cuyuni if political reasons had not prevented him from doing so." The obstacle then was not the presence of the Dutch, as asserted in the Preliminary Statement.

No. 4.—It is stated, but not proved, that a Spanish Mission, unnamed, established on an affluent of the upper Cuyuni, was withdrawn in 1754, upon intimation from the Dutch Director-General of Essequibo.

No. 5.—No proofs accompany the assertion that the Dutch had established, in 1755, a post higher up the Cuyuni, in order to prevent encroachment by the Spaniards into the Yuruary. The situation of this post is not determined; it is only shown approximately.

No. 6.—That the Dutch authorities were in the habit of granting passports to persons, other than Dutch subjects, to visit all parts of their colonies, including the district of Cuyuni, is simply a statement without foundation.

No. 7.—The order given to the Postholders not to permit the Spaniards to pass to the Cuyuni, or to any part of the territory of the Dutch Colony, is translated into English from a translation made by a certain Juan Andres de la Rivera, without proof of his being Interpreter, as he styles himself. Although such instructions may have been given, it does not result therefrom that the Spaniards looked upon the Cuyuni as belonging to Holland, but that the Dutch attributed its ownership to themselves.

No. 8.—The allegation that the Spaniards attacked the Dutch post in the upper part of the Cuyuni and took prisoners the persons found there, including the Postholder and the commercial agent, has an effect contrary to that intended, because it places beyond doubt that the Spaniards strove to drive away the Dutch, whom they considered intruders, from the post established by them; still more so, because, notwithstanding the protest of the Dutch, the Governor of Cumanà refused to release the prisoners, affirming that they had been engaged in contraband trade and traffic of slaves in an island of the River Cuyuni belonging to Spain; and above all, because it is added that the Court of Madrid never gave a formal answer to the demand for reparation addressed to it on account of this occurrence. It is said that the Dutch claims were not repudiated; but the silence observed respecting them actually signified their repudiation; moreover, as the Dutch Government did not insist very long on the demand for reparation, it must have been supposed that it was abandoned by them. It is also assured that the Dutch, in the same remonstrance, sug-

gested that a proper limit between the Colony of Essequibo and the River Orinoco should be laid down by authority, which was equivalent to an avowal that there existed no demarcation, and that the Dutch authorities could not determine it by themselves.

It is worthy of mention that, as appears from the documents, and especially from the note addressed by the Dutch Ambassador at Madrid to the Spanish Government, the so-called "fort" was a wooden habitation which the Spaniards of the Orinoco took and burned, carrying off as prisoners the Postholder, his second in command, and a creole man and woman with their children.

No. 9.—There is no proof of such reestablishment of the Dutch advanced post on the Cuyuni, and it is believed that it was never effected.

No. 10.—The Dutch, as is asserted by the historians Netscher and Rodway, had withdrawn from Barima shortly after the middle of the seventeenth century. About 1768 Centurion discovered that some Dutch families had returned and he then sent a captain and crew to give them warning to leave the territory, because it belonged to the Spanish province of Guayana. This warning was not actually given, because the Dutch fled on being apprised of the approach of the Spaniards by some Carib Indians. The Spaniards found and carried on board the effects, implements, and utensils abandoned by the Dutch, burned down their deserted huts, so as to prevent them from settling there again, and also destroyed their plantations.

If the Dutch did energetically complain to the Spaniards of this proceeding as is affirmed without any documentary evidence, they acted unreasonably, because, being invaders of alien territory, they could not expect from the offended owner less punishment of their misdemeanor.

With regard to the disavowal by Centurion of the other raid upon the Waini and Moroco, it may have risen from the necessity of correcting a breach of discipline on the part of his subordinates, and not from the consideration that the act was a violation of foreign territory; otherwise a simple dis-

avowal would not have been sufficient: in order to redress the wrong, indemnization for the injury would have been required in addition to the punishment of the offenders.

No. 11.—The following passages in the resolution referred to of the States-General are worthy of being noticed: it is stated that on the banks of the River Cuyuni there had been built a so-called "post" consisting of a wooden lodge, and the events of 1759 being recalled to mind, it is assumed that a Spanish detachment from the Orinoco had come above this station and had carried off several Indians, threatening to return at the first following dry season in order to visit another arm of the Essequibo, called Masaruni, and to carry off from it part of the Caribs established there, and then to descend the said Masaruni and visit the aforesaid post in the Cuyuni; it is mentioned that two Spanish missions were founded and held by a strong force, one of them being not far above the Company's said "post" on the Cuyuni, *apparently, however, on Spanish territory*, and the other a little higher up on the banks of a creek which flows into the aforesaid Cuyuni River; it is asserted that the Spaniards had begun to carry off the Indians from the Moroco, and had made themselves masters of the Company's "post" situated there between the Rivers Waini and Pumaron; it is stated that the people of the Orinoco, not only had begun to dispute with the people of the Essequibo about the fishing rights in the mouth of the Orinoco, but were already preventing by force their fishing within the territory of the state itself, which extended from the River Morowyne to beyond the River Waini, as could be seen by the maps of those regions, particularly that of M. d'Anville. Whereupon, the States-General decreed that a copy of the remonstrance should be sent to their Envoy Extraordinary at the Court of Spain, that he should be at the same time instructed to give notice to the said Court of these events and outrages, represent the impropriety thereof, and insist upon a prompt reparation for the acts of hostility committed, and upon the reinstatement of the remonstrants in the peaceful possession of the above mentioned huts and the rights of fishery. It was

also decided that the said Ambassador should be instructed to insist upon the necessary measures being taken by the Court of Spain to prevent such causes of complaint in future, and that, accordingly, the said Court should give orders to restore, without fail or delay, all slaves who had deserted from the Colony or who might desert thereafter. The Preliminary Statement affirms, as a result of so many complaints, that "no "repudiation of this claim was ever made. On the contrary, "the Netherland Ambassador at Madrid obtained a promise "from the Prime Minister that he would send orders to the "(Spanish) Governor to discontinue all hostilities and to leave "those of the Dutch Colony in quiet possession as they had "possessed the same until now." In a marginal note reference is made to Appendix I, pp. 109–111. Those pages contain: first, an English translation of the remonstrance of the States-General to the Court of Spain respecting the proceedings of the Spaniards of the Orinoco, in 1769, against the Dutch Colonies in Guayana; and secondly, a French translation of the same remonstrance; but neither the answer from Madrid, nor even the promise attributed to the Prime Minister, is adduced. If such a promise was actually made, no traces of it, nor of its fulfilment, remain. On the contrary, it is well known that the remonstrance met with no further attention, as is demonstrated by the assertion of an official of the Secretaria de Estado, who after mentioning the delivery of the relevant documents to the Fiscal, in order to obtain a report from him thereon, adds: "The affair remained in this state "until the year 1785 when, an extract thereof being made by "the Relator, the documents were returned to the Fiscal, Don "Antonio Porlier, who answered on May 27th of the same "year, declaring that at that time no measures were necessary, "as more than fifteen years had elapsed without action on the "part of the Ambassador of Holland, and it was therefore to "be supposed that the Republic, better informed of the lack "of just motives for the claims it had preferred, had desisted "from their prosecution. That, furthermore, the papers "adjoined to his report, principally the memorandum of Don

"Manuel Centurion, Commandant of Guiana, evidenced the "injustice of the complaints of the Dutch, and the necessity, "on our part, to adopt, in those remote regions, the measures "of precaution indicated by him as very important to the "state; but that the conditions of the province having also "changed during the lapse of so many years, a judgment could "not be formed without the aid of new and recent information "of its present state. For all these reasons, it is regrettable "that at the present day, nothing should be done but wait until "new occurrences should indicate the best course to be pur-"sued. The Council approved this opinion by means of a "resolution dated Junè 4th of the aforesaid year of 1785." (See copy of a report on the boundaries of Guayana and rights pretended to by the Dutch in those regions, existent in the "legajo" entitled "Papeles de Estado, Audiencia de Carácas, Reales Ordenes, Cartas de Cabildos, Oficiales Reales, Informes, Hacienda, Años 1750 á 1820." Certified by the Chief Archivist, Carlos Jimenes Placer.)

No. 12.—By 1770, year in which Centurion wrote as quoted, the fort of the Spaniards on the Cuyuni was not yet built, but, from authorities and documentary evidence hereafter adduced, it is certain that the said fort was constructed later on.

No. 13.—This argument only tends to contradict the assertion of the Director-General of Essequibo as to the Spaniards having constructed forts: thus, the answer given to the preceding number is applicable to this one.

It must be noted that a fact was in question, viz., whether a fort had been erected or not. At that time, it was not erected, as appears from the reports and adjoined declarations; but this does not diminish the right of the Spaniards to construct such works on the Cuyuni, and the best proof thereof is that Centurion himself, and many others, endeavored to convince their government of the convenience, nay, the necessity of those forts. It will be read elsewhere how the King, approving the recommendations of Don José Felipe de Inciarte, ordered forts to be established at certain places. This could

not be impeded even by effective possession on the part of the Dutch, for Centurion proved that they held none in the Cuyuni, nor in the Massaruni, nor in any of the other rivers which flow into the Essequibo from the west, and it was proper to remove the misconception which gave rise to their unfounded complaints.

Moreover, if the Spaniards had no right, as it is alleged, to establish forts on the Cuyuni, or its affluents, neither would they have had any to found settlements or missions; both one thing and the other constitute an exercise of international right of property.

Still, no reclamation was made for the destruction of their missions.

No. 14.—The numerous reports of Centurion possibly contained some errors, and were therefore subject to new explanations or elucidations. His object in representing the Dutch as occupying the coast up to the Moroco, was only to draw attention to the fact that one of their posts stood near the mouth of this river, and he did not agree that the said river should be considered as the true boundary between the Spanish and Dutch domains. Besides, he was not authorized to enter into any such agreement; and had he done so, he would have contradicted himself.

He more than once said that "the Province of Guiana was bounded on the east by all that coast on which were situated the Dutch Colonies of Essequibo, Berbice, Demerara, Corentin, and Surinam, and more to windward, Cayenne, belonging to the French." He says so in his report inserted in the Blue Book, pages 124–130, wherein it is specified that these Dutch Colonies were at a distance of fifty-five or sixty leagues from the great mouth of the Orinoco. There then must be fixed the boundary, the more so as the Treaty of Extradition of 1791, indicated as being Dutch Colonies, those of Essequibo, Demerara, Berbice, and Surinam; and, when in 1780, the King approved the suggestions made by Inciarte, he authorized the construction of two forts, one of them on the Moroco, and the expulsion of the Dutch from the post they had been

allowed to hold there. Moreover, on being called upon by Centurion to give evidence in this matter, Fray Benito de la Garriga, Ex-Prefect of the Mission, the Capuchins and Missionaries Fray Tomás de San Pedro, Fray José Antonio de Cerbera, Fray Félix de Tarraga, the Lieutenant of infantry Don Félix Farrera, and a resident of the place, Don Santiago Bonalde, all unanimously affirmed: *that the Dutch had never held possession of the rivers and creeks flowing into the sea in the space comprised exclusively between the Essequibo and the mouth of the Orinoco;* that they had been allowed only to keep in that region a small guard of two Europeans and several Indians, in a hovel which they called a "post," on the eastern margin of the Moruco River, which the Dutch called Moroco, and this establishment did not date from time almost immemorial, as, indeed, did not the colony itself, since it had been founded, as was well known, about the year 1659.

The Blue Book instructs its readers that the Spanish Government did not approve Centurion's report which was accompanied by the aforesaid map: therefore the map is also disapproved or unauthorized.

It is pertinent to insist upon the fact that neither could Spain, by itself, nor Holland either, by itself, fix the limits of its territories in Guayana. The pretensions of the British to arrogate to themselves such a right have been assailed and are still combated; and similar pretensions, at any time, on the part of Spain, would produce the same result. In 1759 and in 1769, the Dutch acted wisely in suggesting to the Spaniards, as Lord Salisbury observes, "that a proper delineation between the Colony of Essequibo and the River Orinoco should be laid down by authority." In every negotiation common to two or more nations, independent of each other, a different mode of proceeding cannot be observed without, *ipso facto*, destroying the principle of their individual sovereignty. Let it be noted, in passing, that in the case referred to, Holland mentioned *the Colony of the Essequibo*, on the margin of which the settlement had been made, in contraposition to the Colony of the Orinoco.

For the rest, the Council did not endeavor to undervalue the services of Centurion in Guayana, nor did it receive any particular information which might cause his reports to be considered untrustworthy, as is affirmed by the Blue Book, an affirmation based upon words of the Council's resolution which have not been well understood by the translator. This error will be clearly demonstrated later on.

No. 15—It is true that Governor Marmion commissioned an officer, named Don Antonio Lopez de la Puente, to explore the River Cuyuni and select the most convenient site to build a post in order to protect the Missions against their dangerous neighbors, the Dutch and the Caribs. Abundant proofs are to be found in Spanish archives that the Spaniards were always extremely anxious to take precautions against both allies, who insisted upon continuing to advance into the territory which they coveted.

Therefore, it is not strange that the Commissioner should notify the Missionaries that they must prevent the Caribs from passing towards the Essequibo, lest they should inform the Dutch of his purpose of constructing a post on the Cuyuni and so cause embarrassment in the accomplishment of his design. This precaution on the part of Señor de la Puente was based upon sound judgment: the Dutch were aggressive and coveted the dominion of the river; the Spaniards lacking strength, appreciated the difficulty of immediately checking their advance.

This explains also, in a no less satisfactory way, the difficulties encountered by the Spaniards in founding the establishment of Tumeremo: they were reduced to their own scarce resources.

That this was the only motive which guided the Spaniards in observing the greatest precautions, is clearly evidenced on taking into consideration the opinion of the Fiscal, in his new report of 1789, wherein he recommended that a settlement should not be established at Tumeremo, *unless a post was also stationed in the fork of the Curiamo, a tributary of the Cuyuni, to cover these frontiers, and prevent the robberies of the Dutch and Caribs.*

It is alleged that this post was never established.

It is opportune to supply what is omitted in the preceding paragraph of the Blue Book by observing that, in spite of all obstacles, the Spaniards actually established the village of Tumeremo, referred to in various parts of the aforesaid case and marked in Map A at the beginning of the Blue Book, wherein are also indicated the Spanish missions and establishments, together with the Dutch posts.

In the journal of the Royal Geographical Society of London, Volume VI, 1836, published by John Murray, Albermarle street, an account is given of a General Meeting held on May 16th of the same year. At that meeting a report from the Council was read relating to the state of its affairs. Among other matters, mention is made of the expedition entrusted in 1834 to Mr. Robert H. Schomburgk for the purpose of making discoveries in the interior of British Guayana. It is stated that the expedition had two objects in view: first, thoroughly to investigate the physical and astronomical geography of the interior of British Guayana, and, secondly to connect the positions thus ascertained with those of Mr. Humboldt on the Upper Orinoco.

The following instructions are inserted on page 10 of the above quoted volume:

"Your proposed expedition up the Cuyuni to explore the "Sierra Imataca would be interesting, if practicable with a "due attention to the other objects of the expedition. *But as "this district is not within British Guiana* and a minute knowl- "edge of it would not further your ulterior views—besides "which, it is easily accessible at any time, and its investigation "now would cause an expense which might be inconvenient— "it must not be made a first object. With regard to it you "should be guided entirely by the opinions and advice which "you may receive, particularly from Sir Carmichael Smyth, "at Demerara."

This passage in the instructions given to Mr. Schomburgk for his expedition in 1834, proves that, in the opinion of the Royal Geographical Society of London, the River Cuyuni was

not within the district of British Guayana, and therefore its exploration was not considered a matter of the first importance.

In view of these antecedents, it must be thought highly strange that Mr. Clement R. Markham, now President of the said Society, should have recently published the following opinion respecting the present question of boundary:

"The fourth group of maps shows the British discoveries "and surveys since 1830. The discoveries were energetically "prosecuted by the Council of the Royal Geographical Society "from 1834 to 1839, *for at that time, the head waters of the Es-* "*sequibo and its tributaries were entirely unknown.* The Council "selected an accomplished Prussian traveller, named Robert "H. Schomburgk, to explore British Guiana, paying his ex- "penses and drawing up his instructions. During his first "scientific expedition, he ascended *the Essequibo far beyond any* "*point previously reached*, discovered the King William Falls, "and explored the course of the Rupununi. In 1836 he ex- "plored the Berbice and Corentyn to their sources. *In 1837 and 1838, he explored the Essequibo to its source* and connected "his scientific work with that of Humboldt on the Upper Ori- "noco. In 1840 Schomburgk received the gold medal of the "Royal Geographical Society, and in the following year he "became Her Majesty's Commissioner to survey the boun- "daries of British Guiana. He explored the Waini and Bar- "ima, *and delineated a boundary by which* a large extent of "British territory, *comprising the whole valley of the Yuruari,* "was given up to Venezuela. Even then the Venezuelans "had commenced their lawless encroachments into British ter- "ritory, and the line was designed to satisfy them and to se- "cure a good understanding—a fruitless attempt."

"The Venezuelans have called this boundary 'la caprichosa "'linea de Schomburgk'. Nothing could be further from "the truth. The line was drawn on a just and well defined "principle, conceding to Venezuela the Yuruari Valley, which "had been lawlessly occupied by the Venezuelans, and retain- "ing the territory which had never been *occupied by Spaniards* "*or Venezuelans, and to which they have no right.* The line

"commences at the mouth of the Amacura, on territory "which had belonged to Holland since 1621, follows that river "to its source, includes the basins of the Barima and Barama, "and then follows down the Akarabisi to its junction with the "Cuyuni. That river, then, becomes the boundary to its source. "*This concession of British territory shows that nothing could "have been further from the thoughts of English statesmen than "an infringement of the Monroe doctrine. A first and a second "Schomburgk line has been shown on maps, and this has been "interpreted as vacillation. But there has been no change in the "line itself as explained above. The change on the map is merely "due to variations rendered necessary by more recent discoveries "and accurate surveys.* Five of Schomburgk's maps were pub- "lished in the journals of the Royal Geographical Society; "and a very excellent map of British Guiana, compiled from "them on a scale of seven miles to an inch, was engraved in "1875.

"Since the days of Schomburgk the falls of Kaieteur, on the "Potoro, have been discovered by Mr. C. B. Brown, Mount "Roraima has been explored by Flint, Whitely and im-Thurn. "Mr. im-Thurn has done a great and useful work in the north- "west district of British Guiana, and Mr. G. G. Dixon has dis- "covered the source of the Barima."

"It will have been seen, from the evidence of maps, that "Spain had no claim on British Guiana, that Venezuela, there- "fore, inherits no claim, and that even if the territory was ad- "judged not to belong to Great Britain, it in no way follows "that it belongs to Venezuela. The right of Great Britain "rests on discovery, on the Dutch possession of three centu- "ries, on effective occupation, and on treaty. The evidence "derived from maps is important in itself, and it will certainly "serve to illustrate and give additional force to the documents "in the forthcoming blue book."

The Royal Geographical Society of London is to be considered the scientific corporation most apt to be acquainted with, and competent to judge of, boundary questions, especially those pertaining to British domain. Its authority can therefore

be opposed to that upon which the statements of the Blue Book are based.

The above cited assertions of Mr. Markham, especially those in italics, may be adduced in answer to the following allegations of the Blue Book:

First, "that during the period between 1648 and 1796, the Dutch had explored the upper portions of nearly all the rivers, and, to a considerable extent, made settlements in the adjacent districts" (page 20); whereas it is certain that the headwaters of the Essequibo and its tributaries, among them the Rupununi, were unknown towards 1830, and those of the Berbice, Corentin, and Barima were discovered only after the death of Sir Robert Schomburgk.

Secondly, there is no exactness in the explanation given by the Blue Book (pages 25–26) respecting the two Schomburgk lines: "one of them conjectural, derived from information admittedly incomplete, starting from the Amacuro and extending south, south-east towards the Cuyuni, and based, not upon geographical survey but on hearsay statements and opinions, and besides, drawn on a map which is not geographically accurate; and the other as a result of the official commission issued to him in 1840, in pursuance of which he personally investigated the whole of the country from Point Barima and the River Amacuro as far as the confluence of the Acarabisi Creek with the River Cuyuni"; whereas, as Mr. Markham affirms, "*the change on the map is merely due to variations rendered necessary by more recent discoveries and more accurate surveys,*" which he attributes to Brown, Flint, Whitely and im-Thurn.

It must be borne in mind that the line described by Schomburgk on his map of 1840 begins, it is true, at the Amacuro, but, on arriving at the Cuyuni near the meridian of 60° of longitude, he does not consider this river as the boundary to its source, as Mr. Markham writes, but crosses it and continues to the southeast.

The same President of the Royal Geographical Society of London declares that "the Cruz line gives the English both

"banks of the Essequibo from the junction of the Cuyuni to "the mouth, and is sanctioned not only by Spanish authorities, "but by Codazzi, the highest Venezuelan authority. Yet the "Venezuelans now have the audacity to claim the line "of the Essequibo to its mouth. They have gone so "far as to publish a second edition of the Codazzi map "in 1876, under the name of one Miguel Tejera, with "the words 'Territorio usurpado por los Ingleses,' written "over the part conceded both by the Spaniards and by "Codazzi."

If Markham had read the memorandum by Schomburgk, published in the Blue Book, pp. 235–239, respecting the boundary question between British Guayana and the Republic of Venezuela, he would not have offered the Venezuelans the gross insult of charging them with having falsified the map of Codazzi. Mr. Schomburgk says as follows:

"The former Spanish claims, when these parts belonged "still to the Capitania of Caracas, were renewed—claims "which, for their absurdity, very likely would have been for- "gotten had they not been renewed in an 'Atlas de la Repub- "lica de Venezuela,' by Colonel Codazzi, Caracas, 1840, in "which the River Moroco is asserted to form the eastern "boundary of Venezuela. I have too little local knowledge of "the territory which these maps represent to judge generally, "but I can positively assert that the 'Boca del Orinoco de Na- "vios' which comprises Point Barima, and in which disem- "bogues the river of the same name, and the River Amacura "is not correct." . . . . . .

"The most startling information, however, contains Colonel "Codazzi's 'Resumen de la Geografia de Venezuela, Paris, "1841,' in which he states that 'the eastern boundary of the "'Republic extends from the mouth of the Rupunni, near the "'vicinity of the Macaraper Mountains, along the left bank of "'the Essequibo to the confluence of Cuyuni, which river the "'line of the limits ascends until it meets the mouth of the "'River Jupura; from thence it continues the Jupura upwards "'to the sources of the Moroco, terminating ultimately at the "'Atlantic Ocean near Cape Nassau.'"

"This boundary, formed according to Venezuelan dictation, "includes Cartabo Point and the island of Kyk-over-al; "whereas it is conversant to every one acquainted with the "early history of these colonies, *the Dutch had their first settle-"ment at Mazaruni.*"

"It includes old estates, and a recent missionary institution, "Bartika Grove, at the left bank of the Essequibo; and to "crown the whole of their pretended claim, they call the west "coast and Arabian or Arabisi coast of the Essequibo "*usurped.*"

Mr. Schomburgk might also have mentioned another note, in which Señor Codazzi equally qualifies as usurped by the English, the territory which lies to the south of Rupununi as far as the Sierra Acarai; and he omitted to observe that the only obstacle encountered by Codazzi to the claim of the line of the Essequibo, was the difficulty of sustaining a struggle against the four conterminous nations.

The following are his words, page 259 of his Geography:

"If attention is given to what is said by Señor José Manuel "Restrepo, former Secretary of the Interior of the Republic of "Colombia, in volume I., of his History of the Revolution, the "boundary towards the east would be different from the one "delineated, since it should be the River Essequibo instead of "the Moroco, and following the first named up to 4° 50′ north "latitude, half way between the mouths of the Sibarona and "the Rupununi, the Essequibo would be crossed in the direc-"tion of the mountain ranges in the basins of the Essequibo and "Rupununi, thence it would continue along the ridges of the "Cordillera de Tumucuraque, which, according to the latest "explorations of Mr. Schomburgk, must be Carawayme, and "turning back it would extend towards the Vasari ranges, "which, as stated by the same traveler, are the mountains of "Amajeure Pengheate, Ursato and the Sierra Conocon, "wherein rise the Tacutú and the Rupununi. Continuing "thence to the north, towards lake Amacú, so famous in the "fable of 'El Dorado,' the line would run over the headwaters "of the Mahú and thence along the Sierra Pacaraima which

"divides the tributaries of the Branco and Caroni rivers. "*This space would comprise* 2,400 *square leagues to be defended* "*against four conterminous nations, England, Holland, France,* "*and Brazil, each of which would lay pretensions to an unknown* "*territory trodden only by independent Indians.*"

This is no contradictory evidence impairing the right of Venezuela over the regions in question, but simply a conjecture that other states might raise contentions against its acknowledgment.

Finally it appears from Mr. Markham's opinion that, at the present time, England is still making discoveries in the territory of Guayana, forgetting that since 1823 the United States declared through President Monroe, that "the occasion has "been judged proper for asserting as a principal in which the "rights and interests of the United States are involved, *that* "*the American continents, by the free and independent conditions* "*which they have assumed and maintain, are henceforth not to be* "*considered as subjects for future colonization by any European* "*powers.*"

This is precisely the principle developed by Mr. Olney in his note of July 20th, 1895, in order to justify the intervention of the United States in favor of Venezuela, and which is connected with the other part of the doctrine of Monroe, for, as is declared by President Cleveland in his special message of December 17th, 1895, "If a European power, by an extension "of its boundaries takes possession of the territory of one of "our neighboring Republics against its will and in derogation "of its rights, it is difficult to see why to that extent such "European power does not thereby attempt to extend its "system of government to that portion of this continent which "is thus taken. This is the precise action which President "Monroe declares to be 'dangerous to our peace and safety,' "and it can make no difference whether the European system "is extended by an advance of frontier or otherwise."

The jurisconsult, Mr. Emil Reich, already cited, is in accord with the foregoing conclusions when he writes at the end of his article: "If it be true, as it undoubtedly is, that the Dutch

"were the legitimate owners of the very territory west of the "Essequibo descended from them to the English; and if it be "further true, as it undoubtedly is, that in pushing their colo- "nization more westward still the English have, previous to "their acceptance of the general tenor of the Monroe doc- "trine (1823), not violated any law whatever, no more than "had the Dutch in settling the country west of the Essequibo "river; if all this be true, as it undoubtedly is, *the whole ques- "tion is reduced to this—that any new colonizations and settle- "ments established by the English after* 1823 *may imply a breach "of their vague acceptance of the vague contents of the Monroe "doctrine. This, and this alone, can be a matter of discussion, "arbitration, or any other form of precedure.*

Now, most of the British colonizations have been accomplished subsequently to 1823, and particularly those acknowledged by Lord Salisbury as having been established since 1844, date of Lord Aberdeen's offer, and those carried into effect after 1884 and 1886, ostentatiously and without the slightest concealment.

SPANISH MISSIONS.

It is said in the Blue Book, page 7, that "about 1664 the "Fathers Llauri and Vergara were sent to explore Guiana "with a view of seeing whether a Jesuit Mission should be "founded there. They reported the province abandoned by "the Spaniards, and nothing came of their expedition." Cassani's History of the Society of Jesus is cited and, without further specification, a note is added wherein it is stated that "the date sometimes erroneously assigned to this expedition "is 1576."

Padre José Gumilla writes on page 29, volume I., of his History of the Missions established on the river Orinoco that, "in 1579, when the Corsair Captain Jansen assaulted, sacked, "and burned St. Thomé de Guiana, he also sacked and de- "stroyed the establishments founded by Padres Ignacio "Llauri and Julian de Vergara, where these fathers were do- "mesticating and civilizing the Guianese nation and had "erected five churches."

Padre Caulin, in his "Historia de la Nueva Andalucia," page 8, chapter II, Book I, asserts the following:

"The first missionaries who undertook the conversion of "the Indians of this province of Guiana were the Reverend "Jesuit Fathers Ignacio Llauri and Julian de Vergara, about "1576, and they remained three years dedicated to the in- "structing and catechising of the Indians until the year 1579, "when, the province being invaded by Captain Jansen, a "Hollander, it was left in such a state of destitution that "nearly all of its inhabitants retired to the plains of Cumana, "where they perished, victims of famine and venomous insects, "and among them the venerable Padre Llauri; Padre Julian, "who remained alone, withdrew, by order of his Superior, "to the Missions of Casanare."

In his "Resumen de la Historia Antigua de Venezuela," Baralt says, page 253: "At the beginning, nevertheless, this "new method of conquest, introduced in 1576, did not pro- "duce any favorable result, because the Dutch of Esequivo "and Demerari invaded Guiana in 1579, and, aided by the "natives, they expelled from the province the Jesuits Ignacio "Llauri and Julian de Vergara, who had penetrated into it "with inexpressible sufferings and dangers."

The Annals of Guiana, by Rodway and Watt, Volume I, page 14, state as follows: "1576.—Two Jesuit fathers, "Ignacio Llauri and Julian de Vergara, proceeded up the "Orinoco and commenced a Mission, on the site, there is "reason to believe, of what was afterwards called Old St. "Thomé. The missionaries obtained a fair measure of suc- "cess, but three years after the establishment of the mission, "it was destroyed by Captain Jansen (vide Alcedo)."

The Blue Book, on page 20, asserts as a fact: "That, "between 1724 and 1796 the Capuchin Missions were estab- "lished south of the Orinoco, and gradually extended south- "wards and eastwards towards the Dutch territory, the fur- "thest point occupied by the Spaniards being the village of "Tumeremo, founded about 1788."

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But others have observed upon reasonable grounds, that the inexactness of the asseveration is evidenced by the document published in the Blue Book itself, page 134. A communication is therein mentioned from Fray Buenaventura, Superior of the Missions in Guayana, to the Governor of that province, in which he remarks that there should not be any great objection to the foundation of the village of Tumeremo because this spot was very far from the Cuyuni, *and the Governor's predecessors had found no difficulty in allowing a settlement to be found at Cura, which was less distant from the Cuyuni than Tumeremo, nor at the site of Curamo which was also less distant,* although it was true that the Caribs, incited by the Dutch, had destroyed this last place and since then it had not been resettled.

The accuracy of the foregoing observation may be easily confirmed by examining any map whatever whereon the missions are marked, and it will be seen that Cura is very far from Tumeremo and very near the Cuyuni; but in Map A of the Blue Book, the difficulty is eluded simply by indicating the former and omitting the latter!

With reference to the Missions of the Orinoco and Rio Negro, Senor Ricardo S. Pereira, Secretary of Legation of Colombia, says: "The jurisdictional boundaries of these "missions were fixed by virtue of a compact or *concord*, as it "was called, among the missionaries themselves, as follows: "From Angostura of the Orinoco down the river as far as its "mouth, missions of the Capuchin Fathers; from the same "Angostura up the river as far as the mouth of the River "Cuchivero, missions of the Observant Franciscan Fathers; "and for the missions of the Jesuit Fathers, the territory ex-"tending westward of the River Cuchivero, the southern "boundary of all being the Amazon. Guiana and the lands "adjacent were thus divided into three parallel strips formed "by the meridians of Angostura and the mouth of the Cuchi-"vero. The aforesaid concord was approved and ratified in "all its parts by the 'real Cédula' of September 16th, 1736." It is signed at San Ildefonso by the King, and countersigned, as he ordered, by Don Juan Benturra Matturana.

All well informed persons are acquainted with the beneficent results produced by the system of missions in the work of catechising and civilizing the Indians. For this reason the Spanish government interested itself in their increase. The above mentioned royal "cédula" authorized their establishment in nearly the whole territory of Guayana, so that they particularly comprised the Caroni and a great part of the Cuyuni district, and could extend as far as the Amazon, which, as has been seen, formed the southern limit of the province of Guayana.

This was recommended by Governor Diguja in 1763, especially on account of the service they were rendering by checking the advances of the Dutch, as appears in his report, pp. 46–47, volume I, of the documents translated into English and submitted to the Boundary Commission as follows:

"4. The growth of the Presidio and the fact that its estab-
"lishment has become day by day more permanent and im-
"portant, have permitted it to provide the missionaries with
"such escort as they needed to continue their explorations
"southwards, and found, among others, such villages as
"*El Nato, El Yuruario,* and *Ave Chica,* the latter at about forty
"or forty-five leagues from the Presidio, all of them on the
"banks of rivers which empty into the Cuyuni, as can be seen
"in the general map. By means of the missions, serving as
"advance posts, the Dutch and their assistants, the Caribbean
"Indians have been prevented, to a great extent, from reach-
"ing the interior of the country through the Cuyuni and the
"Mazaroni rivers, committing acts of hostility, kidnapping
"Indians, not belonging to the Caribbean tribe, and starting
"some settlements of their own in the center of this province.
"Several expeditions, the last of which was organized in 1758,
"have been fitted out, at diverse periods, to frustrate these
"invasions. The expedition last mentioned succeeded, as
"before stated, in possessing itself of the fortified place which
"the invaders had built on the banks of the Cuyuni river,
"which fact had been reported by the missionaries upon in-
"formation furnished them by the Indians inhabiting villages

"in the neighborhood of said river. All of this is fully proved "by the hitherto appended testimony from page 105 to page "140. It is self-evident, according to that testimony, that it "is a matter of vital importance to continue these missions "southwards, and to likewise establish in that direction, on "the most fertile plains of the central part of that province, "as many towns and villages as may be possible. To secure "this most desirable result, it is indispensable that the Mis- "sionary Fathers be given assistance, which I explained to His "Majesty when I gave an account of the general visit, and is "stated from page 251 to page 252 on the testimony. There "is no other way to check the Dutch and prevent them from "making settlements, as they attempt to do, in the section of "the country aforesaid, which, although unexplored, is "watched by the neighboring towns and villages, and kept "under the vigilant eyes of the missionaries, who can report "at once to the Presidio anything which happens."

It cannot be too much insisted upon that the division of the jurisdiction of the different classes of missionaries in separate regions of Guayana, although bearing the royal approval, was not an act of political government but of religious administration initiated by the fathers themselves. And it is so far from having signified an acknowledgment of foreign acquisitions there, that, on the contrary, as is emphatically affirmed by Governor Diguja, it served as an *antemural* to the Dutch. Moreover, in the agreement, "the Reverend Observant Fath- "ers, present and future, were indicated for the purpose of "establishing and founding whatever villages they could in this "part of Guiana of the Orinoco, from Angostura up to the "banks of this lower side of the River Cuchivero *in a right "line from the borders of the said Orinoco to the Marañon or "Amazon*, there remaining to the Reverend Capuchin Fathers, "for the purpose of developing their missions, the territory "and district extending from the same Angostura downwards "to the grand mouth of the said Orinoco, where they will "distribute whatever missionaries may come to them; to the "Reverend Jesuit Fathers, from the banks of the upper side

"of the same River Cuchivero, the remaining part of the "Orinoco, always advancing upwards, and *all boundaries or "demarcations always drawn in a right line from the Orinoco to "the Marañon or Amazon.*" This was a species of protest against the advances of the Dutch, French, and Portuguese towards the Spanish frontier on that side.

The Spanish copy of the "Real Cedula" approving the agreement made by the missionaries of the Orinoco in the year 1734, inserted in pages 65–66 of the Blue Book, omits what is said in the preamble to the effect that, "the Franciscan Fathers, by the fervor and zeal of their preaching, had domesticated a great number of Indians, and with them had formed twenty-two villages, together with those founded on this side of the said River Orinoco, where they entered upon the exercise of their apostolic mission, by the virtue of my Royal License, desirous of satisfying their ardor, there being no more Indians to convert." In the text of the same agreement a still greater number of words are suppressed, relating to the numerous Indians of the Orinoco who had been converted, belonging to separate and distinct barbarous nations inhabiting those territories, and to the fact that there was no place on the other side of this river where the missionaries might continue their labor of evangelization, as the work of conversion had been so greatly advanced.

It seems as though by this reticence it has been desirable to undervalue the work of the missionaries, and to ignore their purpose of preaching and establishing the Gospel among the numberless tribes of Indians dwelling south of the Lower Orinoco, where the Fathers found a broad field, considered Spanish, wherein to multiply, as they did multiply, their conversions.

The Blue Book (page 13) alludes to the aforesaid report of Governor Diguja, and asserts that it was written in 1761, with the object of dissuading the King of Spain from adopting the proposal to transfer the fort of St. Thomé de Guayana to Angostura, one hundred miles further up the Orinoco; and it is assumed that this proves that, with the exception of the

said fort and of the sixteen missions then in existence, the Spaniards had occupied no territory on the right bank of the Orinoco; and that the local Spanish authorities had been engaged in ineffectual attempts to induce their government to fortify the Orinoco at Angostura, so as to prevent the Dutch and Caribs from ascending that river.

Although the report of Governor Diguja, written in 1763 and not in 1761, strenuously insisted upon his opinion that St. Thomé de Guayana should remain where it was in 1761, still it was not written solely with such a limited object. By simply reading the titles of the chapters into which the report is divided, it will be observed that Governor Diguja's intention was to give to his government a complete idea of the highly interesting province of Guayana, of its progress since 1720, as well as that of the provinces of Cumaná and Barcelona, of the measures taken to check the advances of the Dutch, and particularly of the condition of the fortifications of the Presidio of St Thomé de Guayana, the necessity of augmenting them, adding others and abandoning those of Limones, and of the assistance it was convenient to give to the missions of Catalonian and Franciscan Capuchins of Piritú. He insisted, above all, upon the urgency of constructing the Fortress of Guayana as a means of guarding the great River Orinoco against any possible invasion, and he considered this fortress as second in importance only to those of Havana and Vera Cruz.

The last part of the report contains a memorandum of notes explaining the general map of the Government of Cumaná sent to His Majesty by the same Governor Diguja. The most remarkable among these notes are those which relate to the neighboring Governments and to the boundaries of the province of Guayana, determined in the Royal Order of June 5th, 1762, viz.: "on the east, all the coast in which were situated the Dutch Colonies of Esquivo, Bervice, Demerari, Corentine, and Surinam, and further to windward that of Cayena, belonging to the French; on the south, the dominions of the Most Faithful King in Brazil," etc. Another of the notes re-

fers to the Dutch Colonies of Essequibo, Demerara, Berbice, Corentin and Surinam. Respecting the first, and on the strength of information obtained by Don Juan de Dios Valdez, commander of the fortress of Guayana, who is qualified in the report as a person of learning and ability, Governor Diguja affirms that this colony consisted of sugar cane plantations established by the Dutch over a distance of thirty leagues along the banks of the Essequibo, beginning at its mouth, and also of several islands formed by that river, and which contain tillable lands. Other notes mention the injuries occasioned by the Dutch colonies, especially that of Essequibo; for the Hollanders, protected by the ferocious Caribs, were in the habit of making incursions along the River Essequibo, as well as the Lower Mazaruni and Cuyuni, pillaging, and capturing the Indians of other tribes, carrying them off as slaves, as they did with the negroes, and killing those who were old. It is furthermore stated that these predatory raids disturbed the Missions, because at the news of the approach of the Caribs who, besides being naturally warlike, had been taught by their friends, the Dutch, to manage European arms, the Indians there congregated fled, terrified, to the woods in spite of the efforts of the missionaries to stop them, and sometimes the Caribs were accompanied by the Dutch themselves, who surpassed them in cruel deeds.

Other interesting notes treat of the beginning of the missions of 1724, mentioning, at the same time, that other Fathers had undertaken the same work before, as appeared from the contents of a book of baptisms, wherein it is stated that from the year 1664, several other priests, some of them belonging to the Barefoot, Jesuit, and Capuchin Orders, had tried, at different times, to pacify and tame the Indians, and that the Jesuits had made an assignment of the said missions in favor of the Capuchins, this act being authorized by the Governor of Trinidad and approved by the King.

Finally, the remainder of the notes speak of the first establishment of the Missions in 1724, and of the high convenience of aiding them, not only on account of their most important

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The Missions remained since 1816 under the control of the Revolutionary government, which, in its turn, drew from them no small amount of supplies for the army, thanks to the good organization given to the forty-seven villages which constituted the said Missions by General José Felix Blanco, appointed Commissary for that purpose.

Some of the Missions are at present districts of the Departments into which is divided the territory that was formerly the province of Guayana, and is now a section of the State of Bolivar.

It is not superfluous to recall that at a very early date, the great Republic of Colombia, by the law of October 4th, 1821, began to place the native Indians upon terms of equality with the other citizens of the republic, released them from the degrading tax called tribute, ordered payment to them of the salaries corresponding to their services, gave them the wardship of the lands assigned to them by the Spanish laws, exempted them temporarily from various contributions, established for them primary schools and curacies, and retained in the exercise of their functions those called Protectors of natives. Later on, in 1824, the Republic assisted in various ways the Indians who desired to abandon their errant life, and finally, in 1826, declared them worthy of protection, consideration and especial care from the government, and authorized the executive to take all measures conducive to their civilization and intimate intercourse with the neighboring towns, and to the settlement of their trade with citizens and foreigners.

Venezuela has followed the same policy in repeated legislation in respect to subduing and civilizing the native Indians.

It is clear that this is far from warranting the assumption involved in the note of January 13th, 1841, addressed by the English Consul at Caracas to the Government of Venezuela, announcing the commission issued to Mr. Schomburgk for the delineation of the boundary, and the orders sent to the Governor of British Guayana to resist any aggression upon the territories near the frontier, occupied, until then, by "independent Indian tribes."

This pretended ill-treatment of the Indians by the Venezuelans is an argument still used by the English in order to attract the natives to their possessions, and the proof of this is found in the paragraphs of a report of Schomburgk which occupy pages 216 and 217 of the Blue Book.

It is asserted on page 23 of the Blue Book (as if such a statement had reference to the Missions therein immediately before mentioned), that: "In 1817 General Bolivar, President "of Colombia (with which Venezuela was then incorporated), "whose headquarters were at Angostura, issued a decree of "the Government of Guyana in the following terms:—"

"'*General* Vicenti Sucre, Governor of Guyana, must be "'considered not only as Governor of the Fort of Old Guy-"'ana, but also as Military Governor of the Orinoco to the "'old mouth.'"

In 1817 Venezuela was not incorporated with Colombia, nor was General Bolivar its President, because in 1817 Colombia had not yet been created.

The union of Venezuela and New Granada, afterwards called Colombia, and with which was subsequently incorporated Ecuador, was initiated by the Congress assembled at Angostura on December 17th, 1819, and was not perfected until June 12th, 1821, when the representatives of New Granada and Venezuela met in the town of Rosario de Cucuta, ratified the fundamental law decreed by the Congress of Venezuela on the aforesaid date, uniting both countries in one nation, and specifying that its Government should be, then and forever, popular and representative. The constitution of the new Republic, denominated "Columbia," was decreed on August 30th, 1821, thereby consummating the work which made of the Captaincy-General of Venezuela and the Vice-Royalty of New Granada one great sole republic, which existed until 1830. In his note to Sir Julian Pauncefote, dated November 26th, 1895, Lord Salisbury correctly states that it was in 1889 that the Government of Venezuela was merged in that of Colombia, but he erroneously calls the latter the United States of Colombia.

New Granada, after its separation from Venezuela and Ecuador, adopted the name of the United States of Colombia, when, in 1862, it became a federal republic, and maintained that political system until 1886, in which year it returned to centralism under the name of Republic of Colombia.

Therefore Bolivar was not President of Colombia in 1817; he was Supreme Chief (Jefé Supremo) of Venezuela, and as such, issued, on December 17th, 1817, the above-quoted resolution which however does not contain the words that appear in the translation, as will be seen by the following: "*Colonel* "Vicente Sucre must be considered, not only as Governor of "the *forts* of Old Guiana, *but also as Military Commander of* "*the Department of the Lower Orinoco, encharged with the con-* "*trol of the line formed by the series of villages from Carnache* "*as far as Piacoa, as immediate commander there.*"

It is impossible to appreciate the relevancy of the citation made by the Blue Book, wherein the translator says *General* instead of *Colonel* Sucre, *fort* instead of *forts* of Old Guiana, and *of the Orinoco to the old mouth* instead of *Department of the Lower Orinoco*—as is expressed in the aforesaid resolution. There being no apparent connection between the words quoted and the question of boundary, it seems probable that the compiler of the Blue Book did not complete the expression of his idea.

Thus General Bolivar was not, nor could he be, in 1817, resident of Colombia, which, as yet, did not exist, but Supreme Chief of Venezuela, with the title of Liberator, for the purpose of directing the operations of the war in which Venezuela was engaged against the mother country.

The Blue Book contains, on page 29, the following statements:

"He (Señor Calcaño) further alleged that the Catalonian "Capuchins had occupied the space between the Orinoco and "Cape Nassau and between the sea and the River Caroni. "There is no trace of any such occupation. A Royal War- "rant or Cédula of 1736, defining the spheres of missionary "enterprise in Guiana, has been quoted as authority for this

"statement, but a reference to the original document shows "that it contains no words that justify the assertion. The "passage which has been cited in support of the contention "of Venezuela is an interpolation."

The final part of the said royal "cédula" is copied on pages 66 and 67 of the Blue Book, and special attention is directed to certain words in *italics*, because, in the "Apuntes Estadisticos" of the State of Guayana, published at Caracas in 1874, some words were added which were not in the document above mentioned.

It is true that the cédula does not contain the words "which extends from the grand mouth of the Orinoco to the Colonies of Essequibo," nor these others, "from north to south those existing from the Orinoco to the confines of the provincial jurisdiction," referring to the territory assigned to the Capuchins.

Undoubtedly this royal cédula was still unknown at Caracas in 1874, but became known there only in 1883, when it was published in the book of the Colombian Secretary of Legation, Señor Ricardo S. Pereira, entitled "Documents relating to the boundaries of the United States of Colombia, copied from the originals extant in the Archives of the Indies at Seville."

But the description published in the "Apuntes Estadisticos de Guayana" of 1874, in Dr. Calcaño's communication of 1876, and in the book entitled, "British limits of Guiana in 1888," was probably taken, without any alteration, from the "History of New Anduluzia," by Fray Antonio Caulin (pages 9 and 10), re-edited at Caracas in 1841.

It is not credible that the Father should have added those words as a part of the cédula itself, but only as an explanation of the sense he attributed to the text.

Besides this, the royal cédula which approved the agreement entered into by the missionaries, was simply a confirmation of the sphere of action assigned to the Observant Fathers, the Capuchins and the Jesuits, without implying thereby that it did not consider as belonging to Spain the

territory not comprised within the limits of the evangelical labors of these missionaries. The three lines were drawn from the Orinoco as far as the Marañon or Amazon, consequently extending beyond the Dutch colonies situated on the coast between the two rivers.

The said Fathers were therefore authorized to found missions on the rivers Essequibo, Demerara, Berbice, and Surinam, always excepting the part adjacent to the coast, where the Dutch were established, and Cayenne which belonged to the French. It is believed that there existed missions near the Essequibo. The historian, Netscher, as has already been said, places about midway the course of the Moroco some spots which he marks with the words "*Establishments of Spanish Catholic Missions among the Indians*," and the Engineer, Don Francisco Requena, indicates missions near the Mazaruni and the Cuyuni, not only on his "Geographical Map of the greatest part of South America, containing the countries over which must be demarked the boundary line which separates the dominions of Spain and Portugal, drawn by Royal Order in the year 1796," but also on the other map, which he appended to his "Reflections upon the best demarcation of boundaries between Spain and Portugal," and which he presented about the same time: and it is to be noted that in the latter he explains the signification of the signs which indicate posts, missionary villages, Indian settlements, forts, etc., so that there remains no doubt as to the meaning of the marks employed by him.

As time passed, several of these missions may have disappeared, like many others, some of them without leaving even traces; for which reason, several of those mentioned by Father Caulin, Centurion, and others are not to be found. There is nothing strange in this. Lord Salisbury has written, in answer to Mr. Olney, that Sir R. Schomburgk, "from actual explora-
"tion and information obtained from the Indians, and from the
"evidence of local remains, as at Barima, and local traditions,
"as on the Cuyuni, fixed the limits of the Dutch possessions,
"and the zone from which all trace of Spanish influence was
"absent."

Then it is sufficient that the missions did exist in some part, although, at present, there are only remains or traditions left of them, as Lord Salisbury states, in order to present them as proofs of the influence of the Spaniards in the places wherein such remains or traditions are to be found.

It is notorious that the Dutch, seeking to extend their commerce, and especially their traffic in Indian slaves, insisted in opposing the establishment of Spanish missions, which were insuperable obstacles, not only to this inhuman trade, but also to their constant design of extending their territory. The Indians themselves, enticed and armed by the Hollanders, besides sometimes slaying the Fathers, razed the missions so that not even traces of them were left.

CONTINUOUS RESISTANCE OF THE SPANIARDS TO DUTCH USURPATIONS.

In an article published in "Timehri," the journal of the Royal Agricultural and Commercial Society of Demerara, Mr. James Rodway, speaking of the old limit of the Essequibo, makes various statements, which seem worthy of note, with the purpose of testifying to some of the acts of persistent opposition by Spain against the attempts of the Dutch at usurpation, which are equivalent to protests against their seizure of territory in the interior of Guayana. He pretends to prove that Spain never occupied any portion of Guayana, except a small tract on the east of the Orinoco, remote from the coast. He says:

"During the sixteenth century the provinces of Spain were "more or less consolidated, with the result that the Spanish "Indies consisted of the larger islands of the Caribbean Sea, "and the coast from the Gulf of Paria to the Isthmus, as well "as portions of Central America, Mexico, and Florida. The "coasts beyond these to both north and south, as well as the "Caribbee and Bahama islands, were entirely abandoned, "leaving the whole of Guiana and North America, beyond "Florida, undisturbed. *Not that Spain ever abandoned her claim "to the whole of America; she resented every attempt of other na-*

"*tions to occupy these countries, notwithstanding their utter use-*
"*lessness to herself.* Relying on the Papal Bull, the authorities
"did everything in their power to prevent other nations from
"even sailing along the shores of America, and the story of
"the fight for a share of the great continent is one of the most
"interesting in history. The English sea-dogs of Queen
"Elizabeth's times argued that the sea and trade were com-
"mon to all by the law of nature and of nations, and when the
"first licenses for plantations were granted they were for ter-
"ritories 'not possessed by any Christian Prince or people.'
"This proviso was contained in the first grants to *Sir Hum-*
"*phrey Gilbert and Sir Walter Raleigh*, which, as it were, threw
"down the gauntlet to Spain.

"Under these licenses Virginia was established, and although
"Spain said but little as long as the strong-minded Tudor
"Princess lived, no sooner had the weak James come to the
"throne than *his protests and threats were both strong and loud.*
"*These culminated at the time when the marriage of Prince Henry*
"*to a Spanish Princess was projected*, and when James was
"desirous of conciliating Spain in every possible manner."

"Virginia did not progress to any extent during the reign
"of James the First, mainly for want of the Royal patronage.
"The King hesitated a great deal as to allowing the claim of
"Spain, but ultimately public opinion was too strong for him,
"and nothing was done to withdraw the colony. The dispute
"came to a head from 1611 to 1613, and as may be seen from
"the State Papers of the time, it created a great deal of ill-
"feeling in Spain. In April, 1611, Sir John Digby, English
"Embassador in Madrid, said that the Spaniards were so
"much troubled that they knew not how to behave them-
"selves in the business. Ships had been built at Havana, said
"to be ordained for a journey into Virginia, and were then at
"Lisbon. The rumors of an expedition were repeated during
"the whole of that year, and in June, 1612, Digby said they
"were very much displeased with the plantation in Virginia,
"'which they stick not now to say that, if his Majesty (King
"'James) will not cause it to be recalled, the King (of Spain)

"'will be forced by a strong hand to essay the removal of it.' "In September he held it for certain that the plantations of "Virginia and the Bermudas would not be permitted, but that "the Spaniards would serve them as they had done the French "in Florida. Six months later he said it would be requisite "that those of Virginia live in a continual expectation of be- "ing assailed, for first or last the Spaniards would certainly "attempt them, for thereof they already made profession. "Then the rumors became less warlike, and the Ambassador "stated that many Spaniards hoped the colony would fail of "itself; their project was suspended for a time on account of "reports that great misery and distress existed in the colony."

The author next speaks of Barima and the slave-market there by the Caribs, and he states that this place was visited by Dutch and French traders. He also adds that the Spaniards from Trinidad and Margarita now and then made excursions as far as the "Kingdom of Moruca," but that these were only raids for the purpose of stealing provisions from the Caribs.

The author also mentions that the Dutch were reported as having settled on the Pumaron as early as the year 1580, but he considers that this settlement was nothing more than a small trading station; he continues by saying that there is also a report that the Spaniards attacked the Dutch in the Pumaron about 1595, but he finds there is little foundation for this, because Spain was so very weak in this neighborhood that the Spaniards could hardly protect themselves against rovers, much less send out a party of three hundred men, as stated. He quotes from the "Archives de Indias" a report of Vera's attempt to find "El Dorado," dated October 27th, 1597, "in which it is said that the party captured on their journey five Flamencos (Dutchmen) in a boat, who were trading with the Indians of Barima." . . . "In the same paper," says Mr. Rodway, "is a curious statement that Vera sent his Ser- "geant-Mayor to the River Essequebo, where he went and "learned very much news of the men who were clothed and "fighting with arms. Whether this meant some fabulous

"of tobacco is one of their special objects, although they carry "on much trade with the Caribs and other Indian nations. "Before leaving with their booty they also captured two "Dutchmen who said they were not of the same party, but "had come from a place four days distant, to which they were "expecting the arrival of several Dutch vessels with stores "and settlers; these ships were to be laden with tobacco and "other produce for Holland. The report also states that "measures were taken to uproot all the Dutch settlements on "the coasts, but no account is given of these settlements nor "does it appear that anything further was done."

"The expedition took seven months in going and returning "from the Corentyne, and the report concludes by stating that a "great service had been rendered to God and His Majesty by "thus dislodging the Dutch from their settlements in that ter- "ritory. Taken altogether the whole affair was nothing more "than a plundering expedition, and instead of dislodging the "Dutch from Guiana, we know that it made little if any im- "pression. This is proved by other Spanish documents."

Whatever may be said, and although the Blue Book (page 5) calls this a "pretense of dislodging them," the attack, just narrated, by the Spaniards upon the Dutch of the Corentin, is one of the most significant acts by which the Spaniards reclaimed their rights of property, not only in the Essequibo, but even in the Corentin, situated still further southward from the Orinoco, and now serving as the boundary between the present Dutch Guayana and British Guayana. In 1613, year of the successful and memorable attack referred to, the Dutch had not obtained the Treaty of Munster of 1648, by which Spain, owing to political embarrassments, thought proper to renounce in their favor the territory they then occupied, but which was not as minutely described as it ought to have been.

Mr. Rodway continues to argue that Spain had no force in Guayana to prevent foreign trading, and was unable to attend to the demands of her officials, who earnestly and repeatedly asked her to impede the establishment of the Dutch and

English, who far from being themselves careless, did all in their power to found and consolidate their settlements, thus disturbing the Spaniards.

All this is unfortunately true, and it brought as a necessary consequence the decrease of the Spanish dominions in America, to which Spain had to consent, with regard to the Dutch as well as to the British. Nevertheless, the rights of a nation do not depend upon the degree of strength it possesses for their defense; otherwise the weak, on account of their lack of strength, would be deprived of justice, which is proclaimed by reason and morality as the foundation of social ties, and a condition *sine qua non* to their existence, equal, free, sovereign, and independent.

It is strange that neither Mr. Rodway, nor any other British writer among those quoted, has said anything as to the manner in which were terminated the difficulties arising from the English colonization in America, which, out of respect for the Bull of the Pope, and on account of the friendly relations existing between England and Spain, was unsupported at first by the English Crown, and received new and vigorous impulse and all help from the Government only when these relations became unfriendly.

Those difficulties were terminated by the Treaty of 1670, already mentioned, wherein Spain agreed to leave England in possession of all the territories which at that time had been acquired by the latter in America. This was equivalent to a complete acknowledgment of the rights which Spain claimed in the New World and which she renounced, as far as concerned the said territories, thus exercising one of the faculties pertaining to ownership, private as well as international and public.

Other facts are alleged by Rodway as proofs that Spain never made any attempt to occupy Guayana to the east of the Orinoco before the year 1612, and that the country was not possessed by any Christian Prince or People, unless the Dutch came under that designation; and he says that this matter is not worthy of investigation, for, although the Hollanders car-

ried on their work in Guayana as enemies of Spain, they did little beyond a quiet trade with the Indians.

It is well known, in this respect, that only States are able to acquire international dominion; that private occupation cannot be applied at present to the soil; that in America, the lands which are to be cleared and cultivated by colonists are sold to them, however low may be the price, or are given to them by the Government of the country; that at present title is derived from concession, and not from priority of occupation; and that consequently the right of acquiring land by priority of occupation only exists, so to say, in theory, or upon retroceding to primitive times, respecting which conjectures only can be made.

Discoveries are authorized by governments whose subjects take possession and form settlements in the name and for the benefit of their sovereign; and it is, moreover, an English doctrine, that a discovery made by a private individual, in the prosecution of a private enterprise, does not confer any territorial right.

The Hollanders who came to trade with the aborigines in spite of its being prohibited by the laws of the Indies, were either private individuals or agents of the Low Countries, then in rebellion against the King of Spain, their lawful sovereign until 1648. Neither in one character, nor in the other, were they competent to acquire international dominion by their discoveries or occupations.

Nothing is to be said of the British occupations in Guayana in remote times, for if England possessed Surinam, she exchanged it with Holland for what is now the State of New York by the Treaty of Breda; and as for the enterprises of Raleigh and his companions, and his attack upon St. Thomé de Guayana, which caused the death of his son and of Governor Palomeque and the burning of the town, they resulted in the decapitation of the invader, owing to well founded remonstrances by the King of Spain.

The said King, by means of urgent protests, made through Gondomar, his Ambassador at London, obtained the revoca-

tion of the patent granted, in 1619, to Captain Roger North, with the object of forming the Amazon Company, and his arrest on returning to London from Guayana, for which place he had embarked secretly.

It appears from the correspondence inserted in the Blue Book, from page 70 to 84, that the Spanish and Portuguese governments concerted an enterprise for driving the Dutch and French from the territory comprised between the rivers Orinoco and Marañon, which unquestionably belonged to the two crowns, where, as they declared: "Any establishment of "the other foreigners in that place is to be looked upon as "seized or usurped against any right they may pretend thereto, "without being able to oppose or show that we have formally "recognized in them that dominion. For the Portuguese "crown has only against it the Treaty of Utrecht, made with "France, in which it was stipulated that the French should "not pass from the River Vicente Alonzo Pinzon towards the "city of Para, with other matters which contain no recogni- "tion of dominion, nor formal cession of the right. Neither "on the part of Spain has any cession to, or formal recogni- "tion of, the Dutch been made; to which is added the bad "faith with which the one and the other proceed, *in order to "penetrate the interior, and draw all possible utility from the two "dominions, against that provided for by Laws and Treaties.*" This is said in the secret letter of instructions communicated to Señor Iturriago on October 8, 1753, and which occupies page 81 of the Blue Book. It refers, as is seen, not to the possessions of the Dutch and French on the coast, because these had been recognized to the former by the Treaty of Munster of 1648, and virtually to the latter; but to their penetrating the interior, which was prohibited to them and placed them in the light of usurpers.

In continuation of the record of the acts of resistance made by Spain against the advance of the Dutch, mention should be made of the secret expedition, ordered on July 27th, 1758, by the Provisional Commandant of Guayana, Don Felix Ferreras, the object of which, besides being to put a stop to the

traffic in enslaving Indians, carried on by a Dutchman named Jacobs and a negro of the same nationality, on the island of Caramacuro in the River Cuyuni, was also to deprive the Dutch "*of the extension which they, from day to day, are more and more acquiring in this part of His Catholic Majesty's dominions*,"

According to the remonstrance made by the Director-General of Essequibo, dated September 30th, 1758, the expedition attacked the Dutch post on the River Cuyuni, burnt down the shanties, and took prisoners the postholder and his second in command, a creole slave of the Company, and a creole woman and her children. The Director demanded, not only the release of the prisoners, but also a proper satisfaction for the damages caused, threatened to make reprisals, and addressed a report of this occurrence to his masters.

The Governor of Cumaná, Don Nicolas de Bastro, to whom the Commandant of Guayana sent the Dutch remonstrance, refused to release the prisoners or to attend to the other claims, on the ground that the island in the Cuyuni, together with the dependencies of this river, formed a part of the domains of His Catholic Majesty ; and that the prisoners had been carrying on an illicit trade with the Indians, it being incredible that Their High Mightinesses should have authorized the Director of Essequibo to enter the said domains and treat with the Indians in order to enslave them.

On August 26th, 1759, the Dutch Ambassador at Madrid gave formal character to this remonstrance. The preliminary statement in the Blue Book (page 13) affirms that the "demand for reparation was never formally answered, nor were the Dutch claims repudiated," and it also asserts *that a request was made by the States-General that a proper limit between the Colony of Essequibo and the River Orinoco should be determined by authority.* On one hand the inaction of the Spanish Government, and, on the other, the lack of insistence on the part of the States-General implying the abandonment of their reclamation, prove that neither Spain nor Holland looked upon this as a grave question.

It should be observed that, on this occasion, the Dutch claim only one spot in the Cuyuni; while on the English map, three spots in this river, and another in one of its affluents, are marked as theirs.

The Blue Book alleges (page 14) that "In 1769 the Dutch "Governor having reported further attempts of the Spaniards "to establish mission settlements near Dutch territory on the "Cuyuni, the States-General, on the 2nd August, delivered to "the Court of Spain a formal remonstrance against the pro-"ceedings of the Spaniards of Orinoco."

The said book (page 14) after recalling the existence of a single post on the River Cuyuni, consisting of a wooden habitation possessed in the name of the Company, and guarded by two persons with some slaves and Indians, states that the claim was presented, and that the Netherland embassador at Madrid obtained a promise from the Prime Minister "that he would send orders to the (Spanish) Governor to discontinue all hostilities, and to leave those of the Dutch Colony in quiet possession as they had possessed the same until now." No document is quoted to confirm this statement; and as has already been seen, fifteen years passed without any new action on the part of the Dutch, and thus ended their demand forever.

It is recorded in the Blue Book (page 14) that "In 1768 a "raid was made by the orders of Centurion, the Spanish "Commandant, against the Dutch who were established upon "the Barima, in the immediate vicinity of the grand mouth of "the Orinoco. Strong complaints of this raid were made by "the Dutch to the Spaniards."

What appears from the documents in the Spanish archives relating to this circumstance is, that on being informed that Dutch families were settled in the Caño de Barima, the Commandant-General of Guayana, Don Manuel Centurion, sent a captain and escort to notify them to leave the territory, it being a part of the Province of Guayana. The Spanish commissioners set out with the purpose of giving thrice warning, as was prescribed, for the evacuation of the Caño. On

arriving at the mouth of the river they saw several Carib Indians who, before they could get near the dwellings and plantations of the Dutch, gave notice of their (the Spaniards) approach, and thereupon the settlers fled before the warning above referred to could be given. The Spaniards found the dwellings abandoned, and after making an inventory of effects, tools and utensils, and embarking them in their two boats, set fire to the huts and destroyed the plantations, as far as possible, in order to leave no basis for a future settlement.

It is stated on page 14 of the Blue Book that a similar raid was made by the Spaniards later on in the year 1768, upon the Waini and Moroco. Although an effort is made to diminish the significance of the act, by alleging that it was disavowed by Centurion, who had not ordered the expedition to extend further than the mouth of the Orinoco, it is not even pretended that this would have given cause for complaint, as did the former expedition, for which the Spaniards gave no satisfaction whatever.

By Royal "Cédula" of July 8, 1779, the Americans were authorized to attack the subjects of Great Britain, against which nation the King of Spain had declared war. It is said in that document, by way of justification, that "The Court of "London, after having occupied time with studied promises "and delays, has refused to agree to the fair arrangements "which I proposed, thus evincing its ambitious spirit. The "true object of the said Court has been to lull Spain under "pretext of negotiation, to keep separated the maritime "forces of the august house of Bourbon, and to give time for "the ripening of its project of repairing, with the usurpation "of some of my American dominions, the losses it has suf-"fered in its colonies. This has been evidenced by expe-"rience, for not only have the English, by various artifices, "raised against me new enemies among the barbaric natives "of Florida, obliging them to conspire against my innocent "vassals of Louisiana, and have engaged in secret negotia-"tions, with a view to increase the number of their partisans "and to deprive me of those who might be my allies in case

"of a rupture, but also, taking advantage of my moderation, ". . . . . They ultimately went so far as to usurp "my sovereignty over the Darien, the Governor of Jamaica "having granted a patent of Captain-General of those re- "gions to a rebel Indian, and they seized, in the Bay of Hon- "duras, the possessions of Spaniards whom they oppressed "and deprived of their properties. Besides this, they have "carried on an immense contraband trade in my dominions of "the Indies, and sustained it by means of their ships of war, "arrogating to themselves, against the law of nations and the "faith of treaties, the just reward for the blood and treasure "spent in the discovery, acquisition, and defense of those "regions."

In the declaration of war made by Spain against Great Britain on October 5, 1796, it is adduced, as a good reason therefor, that England frequently sent vessels to the coasts of Peru and Chili for the purpose of smuggling and reconnoitering those coasts on the pretext of whale-fishery, a privilege claimed by the British in virtue of the Convention of Nootka; moreover, that England had openly declared her views against the dominions of Spain by sending great expeditions and armaments to the West Indies, destined in part against San Domingo in order to impede its delivery to France, as was evident from the proclamations of the English generals in that island, and by the establishment of trading companies in North America on the banks of the Missouri River, with an intention to penetrate through those regions to the South Sea; "*and lastly, by the conquest she has just made on the Con- "tinent of South America, of the colony and river of Demerari "belonging to the Dutch, which advantageous situation puts her "in the way to occupy other important points.*"

It has been shown already how His Catholic Majesty, according to the instances of his ally, the Batavian Republic, and desiring to give it a proof of his friendship by effectively guaranteeing the possessions of the Dutch in South America against the aggressions of the common enemy, agreed, by the Treaty of March 31st, 1797, to place at the disposal of the

Batavian Republic, for the defense of the Dutch Colony of Surinam and other adjacent territories, an auxiliary body of troops numbering twelve hundred men.

Mention has also been made of the attack by the Spaniards upon the Dutch post of the Moroco, of which Schomburgk has given two distinct versions, which was spoken of by Lord Aberdeen in his note to Señor Fortique, dated March 30th, 1844, and which is related by Rodway in Volume II., page 139, of his History of British Guayana. Schomburgk states that another attack had taken place before this one.

As may be seen in pages 231, 232, and 233 of the first book of Venezuelan documents, Don Andres de Oleaga, Contador Real of the town and province of Guayana, in His Majesty's name, certified on January 28th, 1769, that, since the time that Don Manuel Centurion was Captain of the Royal Artillery Corps and Commandant-General of Guayana, owing to his great zeal and activity, nineteen seizures and confiscations of vessels had been made, most of them Dutch, English, and French, which, for the purpose of smuggling, had penetrated into the Orinoco and into the Rivers Guarapiche and Teresen.

In corroboration of this, it may be added also that, according to the asseveration of a great number of important persons, Centurion built and armed two launches as privateers, to prevent the entrance into the Orinoco of foreigners and traders of illicit commerce, who were persecuted and seized even in the seas which wash the coasts of Paria and Trinidad; and he occupied, in the interior of the province, the Paragua River by means of a blockhouse provided with artillery and troops to defend the passage against the Dutch, and to prevent them from continually bringing out Poytos from the sources of the Orinoco and its watersheds, for the benefit of the colonies established by foreigners in that continent, on the coast of the Atlantic Ocean.

Adding all this to the authorization given in 1780, to the Commissioner, Don José Felipe de Inciarte, to construct forts and found settlements, to destroy the post of the Dutch, in the Moroco, and to adopt suitable measures for forcing them

back to the Essequibo, it will be fully demonstrated that never tacitly nor by any positive act, did the Spaniards acquiesce in the unjustifiable advances of those foreigners, always *covetous of lucre.*

According to Rodway, (History of Guayana, Volume II, Chapter XXIII,) war being declared by England in 1804 against Spain, an invasion from the Orinoco began to be feared at Essequibo; and as a precaution it was recommended that three gunboats should be obtained, in order to guard the coast, it being understood that the British Government would provide guns and munitions, and that the colony would pay all other expenses. The apprehended hostilities were soon carried into effect by the Spaniards by means of privateers, which frequently made captures, and were so bold that they rendered useless all measures of vigilance. Nothing escaped them, and they carried away slaves and provisions from the land. They audaciously approached the trenches and walked about the dikes in the middle of the day, as coolly as if they were in their own plantations. The owners of these plantations repaired to the Court of Policy, demanding protection; for they were unable to obtain, on account of such raids, medical assistance, or even the necessaries of life. This lasted several years. In 1808, in consequence of it being known that the people of the Orinoco were disposed to abandon privateering, if it should be agreed that vessels would not be subject to capture when more than ten leagues from the coast, Admiral Collingwood sent to Guayana the expedition of Mr. Charles Waterton, with despatches for the Governor, Don Felipe de Inciarte.

Other papers show that this Spanish official gave a splendid reception to the Commissioner, and came to an understanding with him on very friendly terms. When the Commissioner departed the Governor presented him with a map of Guayana drawn by himself; for, as has been said, he had been occupying himself for a long time past in exploring, by authority of the Government, those regions and securing them from Dutch invasions.

After this, hostilities had to be suspended, peace being re-established, and an alliance concluded in 1809 between the British and Spanish against the French.

The occurrence mentioned evidences that, at the date of the aforesaid invasions, it was impossible that the English should be in possession, as successors of the Dutch, of all the coast line from the River Corentin to Barima, which the latter had possessed between 1648 and 1796, and which the former pretend to have occupied and demarked.

OCCUPATION.

The standpoint of the whole debate on the part of Great Britain is the principle that effective occupation must prevail; and that as the Dutch occupied portions of Guayana, here and there, unopposed by Spain or with her consent, expressed or tacit, they appropriated such portions incontrovertibly.

Venezuela, on the contrary, as successor to Spain, maintains that the Dutch were the legitimate owners only of those parts of Guayana where their dominion was recognized by the Spanish crown in the Treaty of Munster of 1648. That treaty terminated the long war arising from the rebellion of the Low Countries, and confirmed their right of ownership to the places then possessed by them on the coasts of America. With respect to any other territories not possessed by them at that time, but which they may have clandestinely or violently seized upon afterwards, in spite of the remonstrances, reclamations and armed resistance of Spain, the Dutch had no legitimate dominion. Their proceedings are to be considered as acts of usurpation, incapable of conferring any right of dominion whatever.

In corroboration of this, it will be noticed, as a starting point, that, in virtue of the donation of the Pope and the discovery of America by the Spaniards, Spain obtained over all this new continent and the adjacent islands a title of ownership which has been recognized more or less directly by other nations. Such was the case with Holland in the Treaty of Munster of 1648; with Great Britain in the Treaty of Mad-

rid of 1670, renewed in 1713, 1763, and 1783; with Portugal in the Treaties of Madrid of 1750, and of San Ildefonso of 1777; and with France in the divers acts wherein that nation and Spain guaranteed to each other their respective possessions both in and out of Europe—treaties of San Lorenzo el Real 1733, Fontainebleau 1743, and Paris 1761.

Now, since it is certain that there can be no occupation except of that which belongs to nobody, or of that which has been abandoned by a former occupant, it follows that the territory of Guayana, belonging to and never abandoned by Spain, was not subject to occupation by any other power.

The bare fact of the Dutch occupations signifies very little in itself, and much less, considering that Spain incessantly opposed them; not perhaps always by force of arms, but certainly by various other acts, such as direct reclamations or refusals equivalent thereto, orders issued to her officials, construction of forts, employment of privateers, capture and confiscation of trespassing vessels, settlement of villages, and decrees and instructions wherein the boundaries of her dominions were determined. Assuredly the comparative insufficiency of her resources did not allow Spain to appeal, in all cases, to force of arms in defense of her territorial rights in that region. She could do no more, principally, for want of means; since not only the Dutch, but also the English and French and others, covetous of the possession of the great River Orinoco, were striving to wrest it from her. This is proved by the incessant acts of clandestine commerce by the Dutch and English, their repeated attacks upon St. Thomé de Guayana and their filibustering expeditions, headed by Raleigh, Hawkins, Drake, Lancaster, Rogers, etc., at Hispaniola, Cuba, Carthagena, Porto Bello, Darien, and other places.

But even admitting that the territory of Guayana was, as is alleged, subject to occupation, still all the nations of that part of America which was formerly Spanish, have inscribed in their fundamental laws, in their treaties, decrees, and correspondence, the principle of *uti possidetis juris*. That is to say, the limits of their territory must be determined, not accord-

ing to the extent of the present possession, but according to the rights to which they were entitled at the time of the declaration of their independence, whether those rights be derived from domestic acts of their common sovereign, or from international acts celebrated by him with other powers; and it has been seen how this rule was applied by Spain, with grave consequences to Venezuela, in the award given in 1891 in the boundary question between this Republic and Colombia. Examination will show whether the alleged occupation by Holland and Great Britain in the territories in dispute is a rightful one.

It is taught that occupation is the apprehension of a thing *nullius* by some one capable of exercising power over that thing, and of using and employing it to his convenience, adding to this exercise of power intention, not of curiosity, examination, or temporary detention, but of appropriating and keeping the thing for his own use, applying to it his industry, strength, skill, intelligence, and labor. It is also taught with regard to real property, that there are two distinct series of operations, namely, those required for transportation to the places, establishment, and taking possession, and those which come afterwards and which are applied to clearing, cultivation, and improvement.

At the Conference of Berlin, in 1888, the following principles were established:

"The power which henceforth should take possession of a "territory on coasts of the African Continent, situated beyond "the limits of its present domain, or which, not having pos- "sessed them until then, should happen to acquire them, and "likewise the Power which should assume there a Protecto- "rate, will adjoin to the respective act a notification addressed "to the powers that sign the present document, so that they "may adduce their reclamations if there is occasion for it."

"The powers signing the present act acknowledge the ob- "ligation of securing in the territories occupied by them on "the coasts of the African Continent, the existence of an au- "thority capable of enforcing respect to the rights acquired,

"and, if necessary, the liberty of commerce and transit under "the conditions which might be stipulated."

Occupation consists in sending a sufficient number of persons of both sexes for the purpose of forming a settlement, fixing rules for its government, establishing authority, with the necessary attributes for the preservation of order, administering justice, both civil and criminal, constructing buildings for private and public use and the works essential to the safety of the inhabitants, within and without, furnishing them means of instruction and progress, and aiding them to earn their livelihood by providing them with lands, animals, and agricultural implements for their maintenance and that of their families, their trade, etc.

Did the Dutch occupations in Guayana present such a character? It is alleged that the Hollanders held commercial "posts" at Barima, at Moroco, and on the Pumaron, that they had erected "posts" in divers sites of the Cuyuni and controlled the whole basin of that river, as well as those of several of its affluents. On the first of the maps inserted in the Blue Book are places marked as "Dutch Posts," one each at Punta Barima, New Middleburgh, New Zealand, Kyk-over-al, Cartabo, and Arinda, two on the Cuyuni, and another on one of its affluents. Admitting that all these "posts" were established (which is not proven), proof would be still lacking as to the existence there of settlements, authorities for the preservation of order and protection of the rights acquired, centers of resistance against the Indians, plantations, articles of trade, churches, schools, family organization with the object of perpetuating the population and inspiring attachment to the soil and utilization of natural resources, such as mines and waters, whether of the rivers, lakes, or seas. Far from this, the Dutch, according to their own historian, Netscher, had only small "posts" situated in the most remote parts of the territory, not with the intention of founding towns, villages, or settlements; but solely for the purpose of trading with the natives or free Indians, and on some maps those "posts" are unreasonably and exaggeratedly styled "forts." Their principal traffic was in slaves,

to which state the ferocious Caribs reduced other Indian tribes for the purpose of selling them to the Hollanders. These "posts," according to the author cited, were wooden shanties surrounded by an earth wall or a palisade as a precaution against surprise and attack by unfriendly Indians, with a flag of the West India Company, and occupied by a "Postholder," two or three Europeans of inferior rank, some twenty soldiers as a guard and several Indian slaves.

With regard to these posts, it is known that some were abandoned, such as those at Barima, Pumaron, and Moroco; the one at "New Zealand" was destroyed, that at "New Middleburgh" was likewise deserted, and the one at Kyk-over-al, which, as has been said, was erected upon a building constructed by the Spaniards, fell into ruin. The others met with similar fate; and, in consequence, Schomburgk, as is stated by Lord Salisbury, was obliged to appeal for information to the Indians, and to the evidence of local remains and traditions, in order to fix the limits at Barima and on the Cuyuni, and in the zone from which all trace of Spanish influence seemed absent.

"This fair prospect did not last long; in 1665, England de-
"clared war against the Netherlands, and early in 1666 Major
"John Scott, under the guidance of a party of Caribs, attacked
"the Pomeroon colony, destroyed its little fort and pillaged
"and burnt the plantations." (History of British Guayana, by James Rodway, Vol. I, Introduction, pp. 5 and 6.)

"About the middle of the seventeenth century there was a
"Dutch outpost at the mouth of the Barima, where a slave
"market of the Caribs was held. It was abandoned about
"the year 1680, probably because it did not pay, but certainly
"not from fear of the Spaniards, in fact it was intimately con-
"nected with the Pomeroon colony and when that failed the
"Barima post was necessarily given up." (*Vide* work above quoted, Vol. III, Chap. XXXII, Exploration—the Boundary Question, pp. 168-169.)

"For some years before 1882 there was no representative
"of the Government in the Pomeroon, although a post had

"been kept up until late years, here or on the Moruca, since "a very early period. In 1882, however, Mr. E. F. im Thurn "was appointed as Magistrate for the Pomeroon Judicial Dis- "trict, and now began a gradual recovery of lost ground in "what had been so unwisely treated as a No-man's-land, and "which unfortunately gave some color to the idea that Great "Britain was doubtful of her rights to the territory." (*Vide* same, Vol. III, pp. 278–279.)

It appears then, that in 1882, the Pumaron was in a state of abandonment; and as occupation loses its efficacy when not permanent, it follows that the occupation by the Dutch or English had ceased to have any effect there. It will be alleged that the English re-established it in 1882. The argument might not lack validity in other cases, but in no way can it be applied to this; because Great Britain voluntarily and freely bound herself, and obtained the same pledge from Venezuela, by the Agreement of 1850, not to occupy any part of the territory in dispute between the two nations. Hence the appointment of Mr. E. F. im Thurn as Magistrate for the Pumaron Judicial District in 1882, (that is, when the acts imputed to the Manoa Company had not yet occurred, nor had the English Government even begun to place obstacles in the way of the fulfilment of the pact of 1850,) was simply an infraction of the said pact, without power to produce the effects inherent to an entirely legitimate occupation. It has been seen already how, in 1887, this pact was invoked by Lord Salisbury for the purpose of objecting to the erection of a beacon on Point Barima without the permission of Great Britain.

The fact that the Spaniards also had a fort on the Cuyuni, named "Fuerte Antiguo," is evidenced by Codazzi's Atlas, wherein its site is indicated (*vide* Map of the Canton of Upata), in spite of the Blue Book's assertion that such a fort was never constructed. It is also evidenced by documents found in the archives of the Captaincy-General of Venezuela, that in 1792, some Indians, provided with firearms and sheltered by a palisade, assembled on an island below the mouth of the River Mazaruni which joins the Cuyuni; and that on this account,

and as a precaution against whatever might happen, the temporary Governor of Guayana, Señor Luis Antonio Jil, ordered all possible assistance to be given to the Sergeant *who was stationed at the fort or guard-house of the Cuyuni River*, recommending him to assure himself as to the facts, for if they were true, *it would be necessary to reinforce the post*, as this river, open to the Colony of Essequibo, was a passage for fugitives and others to travel by ; and if they were not true, it would be also indispensable to think of the best and surest method of securing the subsistence of the troops in garrison there, as he had mentioned to the Father Prefect of the Catalonian Capuchins of those Missions in a letter dated the 22d day of February previous. On the same date the Sergeant in command of the detachment on the Cuyuni River had communicated to the said Governor the news in question, which was transmitted by the latter, on March 10th of the same year, to the Superintendent-General, Sub-Delegate of the Royal Treasury at Caracas.

Moreover, in a return discovered in the above mentioned archives describing the state of the troops in garrison in the province of Guayana on March 1, 1809, and signed by Señor José Felipe de Inciarte, then Governor of that province, there appears an entry as follows: "Cuyuni—Of Infantry, 1 Sergeant, 1 Corporal, 6 Soldiers."

Judging from the tenor of these papers, besides the fort called "Fuerte Antiguo," the occupation of which by the English was mentioned as a rumor by the British Chargé d'Affaires, Mr. Wilson, on November 16, 1850 (page 260 of the Blue Book), there existed on the Cuyuni at the mouth of the Mazaruni some other stronghold, guard-house or Spanish garrison, where the above mentioned rising of the Indians occurred.

The remonstrance by the States-General to the Court of Spain, dated August 2d, 1769, must not be forgotten on account of its connection with this matter, as it is therein stated that "the Spaniards had founded two Missions which were "held by a strong force, one not far above the Company's

"said post aforesaid on Cayœny (*apparently, however, on "Spanish territory*), and the other a little higher up on the banks "of a creek which flows into the aforesaid Cuyuni River." There is no evidence that these two Spanish posts were ever withdrawn.

The Blue Book cites a letter of Fray Benito de la Garriga, Prefect of the Missions, and attributes to him the following words (pp. 118–119):

"In the year [17]58 I informed the Commandant of the "fort of Guayana, that in the River Cuyuni, under the guise "of a post, there were two Dutch families settled with a house "and plantations. He sent a detachment to apprehend them. "And among other papers he found upon them a document or "patent of the Governor, containing instructions for the post-"holder, etc."

"*There were in like manner other Dutch families settled very "high up in the Cuyuni, close to the mouth of the Curumo, not "far distant from the Mission of Cavallapi.*"

The foregoing is a bad translation of the original Spanish, which reads textually:

"El año de '58 avisé al Comandante del Presidio de Guay-"ana que en el Rio Cuyuni, con capa de Posta, estaban de "asiento dos familias Holandesas con casa y labranzas, *y*, "*mandó á cogerlos*, y les hallaron una patente del Gobernador "con las ordenes que debian observar, &c. *Otros Holandeses "se habian domiciliado mui aca arriba de Cuyuni cerca de la "boca de Curumo que no dista mucho del Cavallapi, y despues "se retiraron.*"

And in English: "In the year '58 I informed the Com-"mandant of the Fort of Guiana that on the River Cuyuni, "under the guise of a post, there were two Dutch families "settled with a house and plantations, and *he ordered them to "be apprehended*, and a patent of the Governor was found upon "them containing the orders they should obey, etc. *Other "Dutchmen had settled much to this side up the Cuyuni, near "the mouth of the Curumo, which is not far distant from the "Cavallapi Mission, and afterwards they withdrew.*"

First of all, the translator added that the Commandant had *sent a detachment* to apprehend the families. The Spanish text does not say *whom* he sent; it simply says *mandó á cogerlos*, that is, *he ordered them to be apprehended.*

The translation of the second paragraph says *other Dutch families*, whereas it should read "*other Dutchmen*," as is found in the original; and it also suppresses the fact of their withdrawal, which is unequivocally expressed by the author of the letter, in the last words of the aforesaid paragraph. Where the Father wrote *otros Holandeses*, that is, "*other Dutchmen*," the translator introduced the word *families*, and said "*other Dutch families*," as if to give the impression that there was a certain population there, instead of a few men only. But not only has the word "*families*" been interpolated, but also those affirming the withdrawal of the Dutch have been suppressed, viz., *y despues se retiraron* ["and afterwards they retired"].

Returning to the pretended Dutch occupation in the places emphatically called *forts*, it is well to observe that these were insignificant thatched huts called "posts" where a few men were engaged in buying or kidnapping Indian slaves.

Page 89 of the Blue Book contains the version of a letter addressed from Cabruta, on December 15th, 1757, by Don José de Iturriaga to Don Ricardo Wall, Secretary of State, wherein the former states that having been informed that the Dutch were building a fort on the River Moroco, to the windward of, and at a short distance from, the *Boca de Navios* of the Orinoco, he had requested that a launch be sent there for the purpose of ascertaining the truth of this information; because, if they were permitted so to proceed, they might pass, at some later day, to Barima, and later on to the River Aquiare, which flows into the Orinoco itself at a distance of some leagues from the sea. The commission having been executed, Don José de Iturriaga was informed that such report was unfounded; for in the whole of the river and the creeks in communication with it, *there was no fortification of any kind*, the only cause for this rumor being that the Hollanders

from the Colony of Essequibo were moving the guard known by the name of "post," which they possessed on the Moroco, lower down towards the mouth where it flows into the sea; and that the object of the removal was, as had been heard by the Commissioner, to prevent the negro slaves and residents of the said colony from deserting so easily, as theretofore, to these dominions; for the said post being placed at the mouth of the Moroco, would be able to command the surrounding country and observe therefrom the vessels which, without entering the river, passed along the coast *in search of the grand mouth of the Orinoco.*

Undoubtedly the removal was never carried into effect, for, speaking of the same post in his report of November 27th, 1779, Don José Felipe de Inciarte, who qualifies it as "a miserable building containing no more than two dismounted cannon and a few swivel-guns," affirms that between this post and the sea, there was a distance of about five leagues by the Moroco River.

Be it as it may, however, the said post certainly had disappeared, since Governor Light, in his despatch to Lord Glenelg, dated September 1st, 1838, stated, (according to the passages inserted in page 285 of the Blue Book,) that there was "*a coast of 100 miles between the Pomeroon and the Orinoco, unoccupied by any person or under any authority,*" . . . and that "*the Spaniards had no post on this coast, and it seemed to be considered neutral ground.*"

In the succeeding paragraph, Governor Longden (despatch to the Earl of Carnarvon, dated July 20th, 1875, Blue Book, page 285) writes in reference to the foregoing assertion of Sir Henry Light as follows: "In this state it has, under the "Agreement come to in 1850, remained ever since—a country "which both the Republic and the Government of Great "Britain have agreed not to occupy or encroach upon."

This means that according to the opinion of the Governor of British Guayana in 1875, the 100 miles of unoccupied land comprised between the Pumaron and the Orinoco formed part of the territory which Venezuela and Great Britain had agreed in 1850 not to occupy, that is, to leave it as neutral ground.

The Governor and Commandant-General of Guayana, Don Manuel Centurion, was one of the most intelligent and active officials sent by the Government of Madrid to these regions. When he was asked to report upon the complaints of the States-General respecting the proceedings of the Spaniards of the Orinoco against the Colony of Essequibo, he stated, among other truths, that: "*In the Cuyuni they (the Dutch)* "*have no other possession than a settlement at its mouth where it* "*flows into the Essequibo.* For, in 1757, when they wished to "establish themselves higher up, some 15 or 20 leagues, with "a post and guard, for the purpose of enslaving the Indians "of our territory by means of the Caribs, as soon as our mis- "sionaries had assured themselves of the truth of this news, "they informed the Commandant of Guayana, who caused "them to be dislodged from there the following year, 1758, "by a detachment of soldiers, who burned the post and took "the two Dutchmen prisoners, and a negro and some Caribs, "on whom were found instructions and original accounts which "proved the infamous traffic carried on by order of the Direc- "tor of Essequibo, and for his vile interest in that post, as "well as in the other advanced posts of the Colony, by which "they bled us (the Spaniards) to the heart or centre of the "Province of Guayana." (Blue Book, page 115.)

In the same document Centurion further asserts "that the Dutch were not in possession of the Mazaruni nor of the other rivers that flow into the Essequibo on the southwest side;" and he consequently observes that "IF, as the Dutch suppose, the "territory which is comprised by the rivers flowing into the "Essequibo *and are the Cuyuni, Maseruni, Mao, Apanoni,* "*Patara, and other smaller ones, with their arms and streams,* "were territory of the Republic, the foreigners would have a "greater part of the Province of Guiana than the King our "Sovereign."

Centurion sent to his Government several important reports respecting other matters and works executed by him in Guayana, some of which appear translated in the Blue Book; but the compiler of these documents has endeavored to de-

preciate them, and, with that object, either he, or his translators, have not hesitated to garble the Spanish text.

Instances of such tergiversation have already been shown. Another will be found on page 131 of the Blue Book, as follows:

"The Council respectfully informs His Majesty that from the "last Reports from Lieutenant Colonel Don Manuel Centu- "rion, Governor of Guayana, it appears evident that the ad- "vancements of the Province of Guayana are very increased "as well in the reductions of Indians as in increase of popula- "tion, due to the activity and effective measures which he, "guided by zeal for your Majesty's service and well-being of "the natives, has forwarded during the nine years he has been "Governor there; the Council, however, consider that even "when the advantages by which the said province appears to "have been benefitted reduce themselves to the half of what "is said to have been carried out whilst the said Lieutenant "Colonel Don Manuel Centurion has been governing; not only "does he merit that thanks be given him for his accredited "zeal and services, but they should be increased, so as to "stimulate him in increasing them . . . . and therefore "your Majesty might confer upon him the grade of Colonel, "etc. . . . *And lastly, the Council informs your Majesty "that having received more particular information regarding these "Reports of the said Governor, which in manner make them appear "very improbable, they therefore require to be scrupulously examined;* "and consequently the Council recommend to Your Majesty that "information in regard to those Reports be procured from the "Viceroy of Santa Fé and Governor of Carácas, etc., and "from the various Secretaries of State, Council of the Indies, "and Superiors of the Capuchins resident in Spain; and that "when all the Reports are received and examined the Council "will report to your Majesty what is just and worthy, etc."

The original Spanish text reads:

"El Consejo *en vista de todo lo expuesto y de lo que expone el "Fiscal en la respuesta adjunta*,—hace presente á V. M. que con- "stando de los últimos Informes de Don Manuel Centurion,

"Gobernador de la Provincia de Guayana ser muy crecidos "los adelantamientos que ha tenido dicha Provincia así en "reducciones de Indios como en aumento de *Poblaciones* á es- "fuerzos de las activas providencias que, guiado de su celo por "el Real servicio y bienestar de aquellos naturales ha expedido "en los nueve años que cuenta en aquel gobierno, consideré "que aún cuando se reduzcan á la mitad las ventajas que apa- "rece haber tenido la expresada Provincia desde que la gob- "ierna el referido Don Manuel Centurion, es no solamente "acreedor á que se le den las gracias por su acreditado celo "y servicios, sino que para estimularle á que aumente estos y "aquel será muy propio de la Real munificencia de Vuestra "Majestad el distinguirle con la *graduacion* que fuere mas de "su Real agrado, cuya gracia le será del mayor aprecio asi "por el grande que ella se merece, como porque el interesado "no se declara pretendiente á alguna. . . .

"ULTIMAMENTE COMPRENDIENDO LOS INFORMES DEL CITADO "GOBERNADOR, OTROS PARTICULARES QUE, POR HACERSE EN "ALGUNA MANERA INVEROSIMILES REQUIEREN UN ESCRUPULOSO "EXAMEN, tiene el Consejo por conveniente que se pidan acerca "de ellos otros al Virey de Santa Fé, al Gobernador de Carácas "(*con prevencion á este de que tome los correspondientes de la "Junta de aplicaciones*), *al Padre Comisario General de Indias* "y á los Prefectos de Capuchinos residentes en España (á cada "uno de estos por sus respectivos Missioneros en aquellos "Parajes) para que á correspondencia de lo que dicten las res- "puestas que se reciban de todos, pueda este Tribunal propo- "ner á Vuestra Majestad las providencias que parezcan mas "*oportunas al aumento de las ventajas que conviene se verifiquen "en aquella Provincia y á las mejores muestras de su Real gratitud "de que gradue digno al referido Gobernador Don Manuel Centu- "rion.*"

This, translated into English, is as follows:

"*In view of all set forth and of the explanations given by the "Fiscal (Attorney General) in the enclosed answer*, and it appear- "ing certain from the last reports of Don Manuel Centurion, "Governor of the Province of Guiana, that the said province

"has greatly advanced in respect to the domestication of Indians, "as well as to the increase in the number of *settlements*, owing "to the effective measures which he, guided by his zeal in "Your Majesty's service and for the welfare of the natives, "has forwarded during the nine years he has been Governor "there—the Council recommends Your Majesty to consider "that even reducing to the half the advantages by which the "said province appears to have benefitted during the govern- "ment of the said Don Manuel Centurion, he not only deserves "thanks for his noted zeal and services, but also, with a view "to stimulate him in increasing the one and the others, it would "befit Your Majesty's Royal munificence to distinguish him "with the *rank* which might seem most convenient to Your "Royal pleasure, which favor will be highly prized by him "on account of its own value, and also because he has not "solicited it."

"LASTLY, THE REPORTS OF THE SAID GOVERNOR EMBRAC- "ING OTHER PARTICULARS WHICH APPEAR SOMEWHAT IMPROB- "ABLE AND THEREFORE REQUIRE TO BE SCRUPULOUSLY EX- "AMINED, the Council considers it convenient to ask for further "information respecting them from the Viceroy of Santa Fé, "the Governor of Caracas (*recommending the latter to obtain "relevant information from the 'Junta de Aplicaciones') the Father "Commissary-General of the Indies*, and the Prefects of Capu- "chins resident in Spain (each of these through their respective "missionaries in those regions), so that, in conformity with "what may appear in their answers, this Council will submit "to Your Majesty the measures considered most *opportune for "increasing the advantages suitable to that province, and for the "better demonstration of the Royal gratitude, according to Your "Majesty's appreciation of the merit of the said Governor, Don "Manuel Centurion.*"

It is at once observed that the Council's resolution is not dated, as asserted by the Blue Book (page 130), on February 16th, but on April 30th, 1776. The passages above reproduced in italics, are omitted in the Blue Book. The expression, "the various Secretaries of State," is not to be found in the original ;

and the passages in small capitals have been garbled in such a manner that they result detrimental to Centurion, whereas, the real intention of the Spanish Government was to signalise his merits by new rewards.

It is proper to insist, again and again, upon what is said in the Memorandum of the Ministry of Foreign Affairs, dated March 25th, last, viz.: That the rights claimed by Great Britain in the region of the Cuyuni and its tributaries, under the pretext that this river is an affluent of the Essequibo, are valueless; because Holland was not the discoverer and first occupant of the Essequibo, nor of the streams that flow into it, but Spain which ceded only the part of it at its disemboguement into the Atlantic where the colony of its same name had been founded.

It must not be lost sight of that the Royal Geographical Society of London, said to Schomburgk in 1834 that the district of the Cuyuni was not within British Guayana, and asserted in its Journal (Volume VI, page 11) that the southwest extremity of the British colony was at the confluence of the Rupununi with the Essequibo.

It being clearly shown, therefore, that whatever "posts" may have existed on the Barima, Moroco, Pumaron, or Cuyuni, were either destroyed by the Spaniards, abandoned by the Dutch, or had disappeared from any other cause, the manifest conclusion is that even during the presence of the Dutch, much less after they had abandoned those regions, they cannot be considered as proofs of real occupation even in the case of territories *nullius*. At present, traces of those "posts" are minutely searched for, and a newspaper has stated that a photograph of Fort Kyk-over-al has been lately sent to London, a fort which, as has been said already, was constructed upon a Spanish building. That of New Zealand was once destroyed by the English in 1666; that of New Middleburgh was abandoned at the time of the French invasion in 1782; and neither was the former rebuilt, nor the latter ever regarrisoned. The fort of the Yuruary is a myth, whatever may be said of its foundation in 1755 (Blue Book, pp. 11–12), with vague citation of "Hague records," which, however, are not produced.

Another proof that neither the Dutch nor the English exercised a real occupation in the disputed territories, is the fact that these places do not appear included in the organization of the villages of their colonies, nor in the census of their inhabitants, nor in their militia, nor were authorities established there for the purpose of maintaining order, or of administering justice; in short, of satisfying all the necessities of the social life of civilized people.

Citation will be made of various documents, certified copies of which have been forwarded by the Government of Venezuela to Washington,[1] and which relate to periods previous to 1884; since when the condition of affairs has been completely disturbed owing to violent usurpations by British authorities.

From the British official publication entitled "The Annual Miscellany or Local Guide," of 1815 and 1819, have been taken the following documents, now before the Commission:

1. An act promulgated on September 21, 1813, ordering regulations respecting the rewards for taking up of slaves, and the jurisdictional limits appear therein fixed at the Pumaron.

2. A tariff of charges for the service of Process, wherein the limit of the Colony is again placed at the Pumaron.

3. An alphabetical list of the west seacoast plantations the most remote of which, "Caledonia," is situated to the *east* of the Pumaron.

4. Militia Regulations as established by the Honorable Court of Policy on June 5, 1817, wherein the jurisdiction of each company is marked out without mentioning any one beyond the Pumaron.

5. A Regulation of journeys and attendances in the colony, the effects of which extend, at the utmost, as far as Cape Nassau and the Pumaron.

The same publication for 1843 contains a statement of certain ecclesiastical establishments of the British colony by parishes, the limits of which do not extend beyond the Pumaron.

[1]And now before the Boundary Commission.

It also contains a summary of the census of 1841, arranged according to counties and parishes, and only reaching the Pumaron.

A report relating to the condition of British Guayana, presented to the Governor by a Commission appointed *ad hoc*, on December 28, 1850, and no one of the plantations mentioned is situated west of the Pumaron.

An extract of the Returns of population of the Colony of Essequibo, according to the census taken in 1851, the total number of inhabitants being fixed at 24,925; whereas the British Government has since asserted that if the limit were fixed at the Essequibo, the Colony would lose 40,000 British subjects.

A census of the so-called Province of Essequibo, taken from the general census of the Colony in 1891, and according to which the whole Province, excepting the islands of Leguan and Wakenaam, contained, in 1891, 39,774 inhabitants; and it should be noted that in this number was included the population of the recently usurped territory of Barima.

A declaration of the Governor of Demerara, published in the Official Gazette of British Guayana, January 30, 1867,[1] alludes to "the mutual engagement entered into in 1850 by the Government of Venezuela and that of Great Britain, to the effect that neither Government would occupy or encroach upon, certain tracts of country theretofore in dispute," and gives notice "that Her Majesty's Government cannot under-"take to afford protection to British subjects employed in the "territory in dispute, and that all such British subjects can "only be recognized as a community of British adventurers, "acting on their own responsibility and at their own peril and "cost."

"On the 12th of June (1863), a number of gentlemen, in-"cluding Mr. B. V. Abraham, applied to Governor Hincks "for a right of occupancy of a tract of land *on the Cuyuni*. "Four days later the Governor replied that he was precluded "from granting them a license, and that he could only regard

[1]Certified copy now before the Commission.

"them as a community of British adventurers, acting on their "own responsibility at their own peril, and by such organiza- "tion, means, and appliances as they might devise for them- "selves." . . . . . .

"On the 31st of the same month (October, 1863) the Pros- "pectus of the 'British Guayana Gold Company' was first "published. The Governor had made a provisional grant of "land in the Wareri (or Warrie Irie) Creek, *Cuyuni River*, "about twenty miles from the Penal Settlement, and the pro- "jectors intended to have an Ordinance of Incorporation "passed for a Company with a capital of $75,000 in fifty-dol- "lar shares." . . . . .

"Mr. Abraham went to London (in 1866) and entered into "negotiations for selling to a large company for about double "the amount spent on the place, but these arrangements fell "through on account of a Government Notice." . . . .

"The Gold Company should address an appeal to Her "Majesty, praying for a settlement, and meanwhile go on "with their work." . . . .

"The Home Government had been asked to increase their "grant in aid, but Lord Granville replied that this could not "be done, at the same time stating that it was not likely that "further results commensurate with the expenditure would "be obtained and that there was no objection to its discontin- "uance. This settled the matter." (See History of British Guiana, by James Rodway, Volume III, Chapter XXXII.)

At the meeting of the Court of Policy of the Colony of Demerara, held on June 7th, 1887, and published in The Royal Gazette of the following day,[1] the Governor of the Colony declared that "all licenses, concessions or grants, applying to the territory in dispute between Venezuela and Great Britain, would be issued and must be accepted, subject to the possibility that, in the event of a settlement of the present boundary line, the land to which such licenses, concessions or grants applied might become a part of the Venezuelan territory; in which case no claim to compensation from the Col-

[1] Certified copy now before the Commission.

ony or from Her Majesty's Government could be recognized; but Her Majesty's Government would of course do whatever might be right and practicable to secure from the Government of Venezuela a recognition and confirmation of licenses, etc."

All this goes to prove that not only has Great Britain exercised no jurisdiction in the places which are assumed to have been unoccupied by Spain (and therefore constructively did not belong to her), when she was the possessor of that part of America, nor belong at present to Venezuela; but also that even Great Britain herself does not consider invulnerable her present pretensions to Barima, Moroco, Pumaron and Cuyuni, although she has usurped them, principally since 1884, under the pretext that Venezuela had infringed the Agreement of 1850, as if such a fault (even admitting its occurrence, and although Great Britain on her part had also committed it) could constitute a new method of acquiring territories which England has spontaneously declared in dispute with Venezuela.

It is announced on page 3 of the Blue Book that divers conclusions will be clearly established, among which the seventh is as follows:

"That subsequently to 1796, Great Britain has contin-
"uously remained in possession, and her subjects have occu-
"pied further portions of the territory to which the Dutch
"had established their title."

On page 25, a second conclusion is added as follows:

"That after 1796, Great Britain extended her settlements,
"and continuously exercised over the territory originally
"claimed by the Dutch, all those rights by which nations
"usually indicate their claim to territorial possession."

The same words just quoted are repeated in the tenth proposition, inserted in page 42 of the Blue Book.

According to this, Great Britain maintains simultaneously that the origin of her dominion is not only occupation, but that it is also derived from other causes, which, however, are not specified; it being simply stated that subsequently to

1796, Great Britain has occupied further portions of the territory to which the Dutch had established their title, or to the ownership of which they had originally laid claim.

Should this have any connection with the title of contiguity, it may be observed that the whole territory of Guayana belonged, since its discovery, to the Spaniards, and that it was stipulated to leave the Dutch in possession of only what they actually held in 1648, the date of the Treaty of Munster. To this the Dutch conformed, as well as to the prohibition of navigating or trading in the neighborhood of the places possessed by the King of Spain; and that the said King was then possessor of all the places of Guayana, has been already demonstrated. If the Treaty were to be interpreted as authorizing new acquisitions in the territory not possessed by the Spaniards, it is pertinent to ask again by what authority the Spaniards disposed of places which were not theirs, by allowing the Dutch to occupy them. Unnecessary and ridiculous would be a permission to do what could be licitly done without it.

Respecting the English, it has been seen also that they were forbidden to form any settlement, not only in such parts of the coasts and of the adjacent islands which were already occupied by Spain, but likewise "in such parts of those coasts as are situated to the south of those parts of the same coasts and of the islands adjacent." (Article VI of the Convention of 1790, between Spain and Great Britain.)

In case the Blue Book should refer to the prohibitions mentioned in page 9, with citation of a Minute of Proceedings of the Court of Policy held at the House Naby, in Rio Essequibo, on the 2d April, 1730 (Blue Book, page 64), this would prove nothing either; because the reason there adduced for prohibiting to the inhabitants of the Colony in general, and for reserving particularly to the West India Company, the trade in the Rivers Masaruni and Cuyuni, was simply that the said two rivers had, for a long period, been exclusively open to the commerce of the Company. The Dutch would, upon equal grounds, be entitled to claim the Orinoco, which, as they say, was indicated in the concessions

made by the States-General to the aforesaid Company as the limit of its jurisdiction.

Moreover, the British occupation of the Dutch colonies in 1796 was an act of war, a military conquest, the effects of which were annulled by the treaty of peace of Amiens, concluded between Great Britain, France, Spain, and the Batavian Republic, Article III, which says:

"His Britannic Majesty restores to the French Republic "and its allies, viz., His Catholic Majesty and the Batavian "Republic, all the possessions and *colonies* which had be- "longed to them and had been either occupied or conquered "by British forces during the war, except the island of Trini- "dad and the Dutch possessions in the island of Ceylon."

This necessarily comprised the colonies of Essequibo, Demerara and Berbice. It is true that they were retaken in September, 1803, in consequence of Great Britain having again declared war aginst France and Holland, the result of which was that, their surrender being demanded and they being without sufficient forces to defend themselves, they were obliged to capitulate to the British commanders.

Thus the English again exercised military occupation of the said colonies until the year 1814, when, by the Treaty of London of August 13th, they definitely acquired possession of them. Since then only can they call themselves legitimate owners, as successors of the Dutch; but no demarcation of the said colonies was then made, the convention above mentioned only saying, when it names them in Article I:

"His Britannic Majesty engages to restore to the Prince "Sovereign of the United Netherlands, within the term which "shall be hereafter fixed, the colonies, factories, and estab- "lishments which were possessed by Holland at the com- "mencement of the late war, viz., on the 1st January, 1803, "in the seas and on the Continent of America, Africa, and Asia; "with the exception of the Cape of Good Hope and the Settle- "ments of Demerara, Essequibo, and Berbice, of which pos- "sessions the High Contracting Parties reserve to themselves "the right to dispose by a Supplementary Convention, here- "after to be negotiated, according to their mutual interests."

And it is stipulated in the first of the additional articles appended to the foregoing convention, on the same date, as follows :

" In consideration, and in satisfaction of the above engage-
" ments as taken by His Britannic Majesty, the Prince Sov-
" ereign of the Netherlands agree to cede in full sovereignty
" to His Britannic Majesty, the Cape of Good Hope and the
" Settlements of Demerara, Essequibo, and Berbice, upon the
" condition, nevertheless, that the subjects of the said Sov-
" ereign Prince being Proprietors in the said colonies or set-
" tlements shall be at liberty (under such regulations as may
" be agreed upon in a Supplementary Convention) to carry
" on trade between the said settlements and the territories in
" Europe of the said Sovereign Prince."

Previous to this cession the colonies in question were Dutch, in spite of war or conquest.

A corroboration of this is to be found in volume III, paragraph CCCCVI, of the treatise on international law by Sir Robert Phillimore, Law Officer of the British Crown, as follows :

" *With respect to immovable property captured in war*, the
" established doctrine of International Law may now be said
" to be *that the acquisition of it is not holden to be completed* be-
" fore either the territory in which it is situated has by sub-
" mission and consequent extinction of its international person-
" ality, become incorporated in the possessions of the con-
" queror; *or what is a much safer title to property so acquired,*
" *before a Treaty of Peace has recognized and ratified the posses-*
" *sion of the conqueror.*"

" § DXXVI. *It is now pretty generally acknowledged that there*
" *is both absurdity and iniquity in classing territory obtained by*
" *conquest under the category of res nullius, and in applying with*
" *unreasoning pedantry or sophistical injustice, not the spirit, but*
" *the letter, of the Roman law, to a subject-matter which, like that*
" *of conquest, has necessarily undergone, in all its bearings, a most*
" *important change since the time of Justinian.*"

" The shameless pretext of Frederick the Second for the
" invasion of *Saxony*, in 1756, will not be alleged again by the
" most reckless despiser of International Justice."

"Various and many Treaties of Peace fortify the sound in-
"ternational doctrine that *conquest* and *occupation* of territory
"are distinct public acts, carrying with them very different
"consequences, both to the State and to the individual. The
"language of treaties which concern the acquisition of con-
"quered territory is that the subdued State *yields* or *concedes*
"a certain territory to another; not that the conquering State
"*retains* or *keeps* possession of what it has seized, which
"would be the proper expression in the treaty with respect to
"a State obtaining the recognition of an *occupied* territory."

"'Il est incontestable' (says Monsieur de Rayneval) 'que
"'le mot *céder* suppose essentiellement la propriété, par con-
"'séquent ni la guerre ni la conquête la détruisent. Ainsi la
"'pratique dément le principe enseigne par le droit Romain
"'et par la plupart des publicistes.'"

Clearly, therefore, Great Britain was not entitled, (notwithstanding the repeated assertion in the Blue Book, and especially in page 25,) to "extend her settlements, and continuously exercise over the territory originally claimed by the Dutch, all those rights by which nations usually indicate their claim to territorial possession."

Perhaps the Blue Book alludes to the "discoveries" mentioned by Mr. Markham, which have been cited, and pertinently dealt with, in a former part of this paper.

According to publicists, the military occupant of a conquered territory can do only what a *bona-fide* possessor may do, viz., collect imports and exercise authority and jurisdiction; but he cannot validly perform any of the acts involving a right of international dominion; he cannot sell property, subject the country to hypothecation, alienate the territory in benefit of a foreign nation, or dispose of it in any manner whatsoever; his power is transitory, as are the probabilities of success from which he has obtained it, and this power expires upon the termination of the occupancy which leaves no traces behind.

Consequently, when the former possessor recovers the territory, which has not been ceded by means of a treaty, he

again takes possession of it without any of the alienations made by the temporary possessor being considered as valid, and things are restored to their original state, a right which is called *postliminium.*

With regard to the extension given in British Guayana to the limits of territories acquired in war, and confirmed by the treaty of peace, it is to be observed that it must be reduced to what has been ceded without pretending to increase it; less still, when such increase would prejudice, not the assignor, but a third party, as occurs in the present case, where an effort is made to augment the territory of the British colony at the expense of that of Venezuela. To such acquisitions cannot be applied the principles governing those which emanate from occupation properly speaking. To the latter are applicable only the rules by which the territory of a State must comprise what is necessary for its development and security.

SPAIN MAINTAINS HER DOMINION IN GUAYANA.

After the discovery of America by Spain, Pope Alexander VI, on May 4th, 1493, in exercise of an authority then recognized by all Christian nations, granted to Spain in right of property the lands discovered by Columbus in 1492, and later on divided between Spain and Portugal the territories which might be discovered by the one and the other within the line of demarcation, which was afterwards extended by the Treaty of Tordesillas, and subsequently approved by the Pontiff.

"By donation from the Holy Apostolic See and other just "and legitimate titles," says the King of Spain (in Law I, Title I, Book 3, of the Recapitulation of the Indies), "we "are Lord of the West Indies, Islands and Mainland of the "Ocean Sea, discovered or to be discovered, and they are in-"corporated in our Royal Crown of Castile."

The value of those Bulls at that time has already been demonstrated, and the citatation just made from the Royal Letters proves that the said Bulls cannot be set aside as inane documents.

In the book entitled "The Federal and State Constitutions, "Colonial Charters and other organic Laws of the United "States," published at Washington in 1877, is inserted, on treating of the State of Florida, a document denominated "Prerogatives granted to Christopher Columbus," and afterwards another called "Bull of Pope Alexander, conceding America to Spain." To the former the following note is appended: "Spain claimed and exercised the right of ultimate "dominion over her possessions in America on the rights "given by the discovery of America under this commission "and the grant of Pope Alexander."

The work cited is official, and was compiled by Mr. Ben Perley Poore, by order of the United States Senate.

This goes to prove that it is there judged that the commission of Columbus and the Papal Bull gave to Spain a legitimate title to Florida, and that for this reason she was able to cede to the United States, as she did cede, in full ownership and sovereignty, by the Treaty of February 22d, 1819, all the territories which belonged to His Catholic Majesty, situated east of the Mississippi, and known by the name of Eastern and Western Florida. Brazil and the Argentine Republic recently discussed a question of boundary which was submitted to the arbitration of the President of the United States of America. The brief of the latter begins by citing the aforesaid Bull of 1493 and the Treaty of Tordesillas between Spain and Portugal. The same documents are made use of by Señor J. M. Quijano Otéro in a historical treatise, written in 1869, and relating to the boundary between Colombia and Brazil; and also in another work, compiled in 1881 by order of the Colombian government, entitled "Limits of the Republic of the United States of Colombia."

As early as September 14th, 1517, Spain invoked those just and legitimate titles as being the origin of her rights in the West Indies. They were undoubtedly derived from the discovery of America in general, and of certain regions thereof in particular, as a reward due to so great an enterprise, to the organization and expense of the expeditions and voyages, to

the dangers and calamities of all kinds which accompanied the realization of the undertaking, chiefly by the enormous loss of life occasioned by it and by the founding of a new civilization on the discovered continent, where ignorance, ferocity and barbarity held sway.

It has been stated already that Columbus and other discoverers left Spain in the character of Government Commissioners and with extensive powers. These were conceded among others, in 1568, to Don Diego Serpa, who, towards the close of that year, set out, appointed Governor Conqueror of New Andalusia and Guayana. About 1591, Don Antonio Berrio y Oruña appears there and, considering Trinidad within the jurisdiction of his government, he descended the Orinoco, founded the town of San José de Oruña, and then reascending the same river, began the construction of Santo Tomé de Guayana. He was succeeded in his charge by his son, Don Fernando, the latter by Don Sancho Alquiza, and this last by Don Diego Palomeque, who died in 1618 defending the place against Raleigh's attacks. Later on the same Don Fernando Berrio again took possession of the government.

The New Kingdom of Granada was created in 1717, and the provinces of Maracaibo, Caracas, and Guayana were incorporated in it. This Viceroyalty ceased to exist in 1723, and matters returned to their former state. The Viceroyalty was restored in 1739, with the addition then, not only of the aforesaid provinces, but also those of Cumaná, Islands of Trinidad, Margarita and Rio Orinoco.

In 1742 another Royal Cédula relieved the Governor of the province of Venezuela from all dependency upon the Viceroyalty of Santa Fé, and ordered that the former should exercise vigilance in securing the fulfilment of the obligations of the provinces of Maracaibo, Çumaná, Trinidad, Guayana, and Margarita, respecting illicit trade.

The aforesaid provinces were separated from the Viceroyalty in 1777, and were incorporated in the Captaincy-General of Venezuela which had been established in 1742.

These historical antecedents are recalled for the information of English writers, who have gone so far as to ignore the existence of the Captaincy-General of Caracas or Venezuela; as if it were licit to give the lie in this respect to the Spanish Government which, in the aforesaid Royal Cedulas, and in the Treaty recognizing the independence of this country, designated it by the same name. They might also ignore the fact that one of the maps (the 8th) appended to the Blue Book by the British Government, is the "Map of the Captaincy-General of Caracas, comprising the provinces of Venezuela, Maracaibo, Barinas, Cumana, Guayana, and the Island of Margarita, explanatory of the Voyage to the Eastern part of Terra-Firma in South America made in 1801, 1802, 1803, and 1804, by F. Depons, Ex-Agent of the French Government at Caracas, draughted by J. B. Poirson, Geographical Engineer, in 1805."

In 1762 the King of Spain resolved to erect into a separate "Commandancia" the whole district of the province of Guayana, the limits of which had been fixed in 1761, as follows: to the east, all the coast wherein were situated the *Dutch Colonies of Esequibo, Berbice, Demerara, Corentin, and Surinam*, and more to windward Cayenne belonging to the French. In 1768 the King again specified the same limits on confirming the resolution to the effect that the "Commandancia-General" of the new establishments in the upper and lower Orinoco should remain, as it had since the death of Iturriaga, under the control of the Governor and Commandant of Guayana.

Such was the state of affairs when, on the 5th of July, 1811, Venezuela declared herself independent of Spain, in the name of the united provinces of Carácas, Cumaná, Barinas, Margarita, Barcelona, Merida, and Trujillo, without defining her frontiers.

When the Congress of Venezuela, assembled at Angostura, established, on December 18th, 1819, the fundamental law of the Republic of Colombia, it declared as belonging to the Republic the territory comprised within the limits of the old Captaincy-General of Venezuela and the Viceroyalty and

Captaincy-General of the New Kingdom of Granada. This was again declared in the Colombian law of July, 1821, approving the aforesaid law of Venezuela, and in the Constitution promulgated in October of the same year.

What Schomburgk says (page 237 of the Blue Book) is therefore untrue, viz., that "at the Congress of Angostura in "1811, the boundaries of the New Republic were alluded to, "and without any further application to the other Governments "who were interested in that question, they were fixed upon as "it appeared most advantageous to the Congress of the young "Republic."

No Congress was held at Angostura in 1811, and the one then assembled at Caracas, and which formulated the first Constitution of Venezuela, made no mention therein of Venezuelan territory, imitating even in this the silence of its model, the Constitution of the United States of America, adopted in 1787.

Subsequently to the separation of Venezuela from Colombia, all her Constitutions, viz., those of 1830, 1857, 1858, 1864, 1874, 1881, 1890, 1891, and 1893, have determined, without discrepancy and in terms nearly identical, that the territory of the Republic is the same as that which in 1810 was denominated Captaincy-General of Venezuela.

An analogous article is to be found in the Constitutions of the other Hispano-American Republics; all of which have fixed as limits of their territory those to which they were rightfully entitled when they were Colonies of Spain, without taking into consideration any actual possession not consistent with right. This has been called the *uti possidetis*, and it is the governing rule in America.

It has been asserted by some writers (and the Blue Book apparently alluded to it in pages 23 and 24) that Venezuela did not exist in 1814, the date of the cession of the Dutch colonies of Essequibo, Demerara, and Berbice to Great Britain. Although then in rebellion against the mother country, her independence was not achieved until 1821, nor recognized by Spain till 1845; consequently any reclamation which might arise from the oc-

cupation of the territories included in the former treaty should have been made by the Spaniards against the Dutch, and not by the Venezuelans against the British. But a sufficient answer to this is found in Article II of the Treaty of recognition of Venezuela, where Spain, in consequence of her renunciation of her sovereignty, titles, and rights of action over the American territory known by the ancient name of Captaincy-General of Venezuela, now Republic of Venezuela, *recognized* the latter "as a free, sovereign, and independent nation composed of the provinces and territories expressed in its Constitution and subsequent laws, viz., Margarita, *Guayana*, Cumaná, Barcelona, Carácas, Carabobo, Barquisimeto, Barinas, Apure, Merida, Trujillo, Coro, and Maracaibo, *and all other territories and islands whatsoever which might thereto pertain.*"

The province of Guayana being transferred to Venezuela, the latter acquired it with all the titles and rights of action which Spain had renounced. One of these was the right of remonstrance against the diminution of territory caused by the illegitimate extension of the part ceded to the English, who, in their turn, have declared themselves successors of the Dutch in the territory of their former American colonies, and who have added thereto new usurpations which they avow.

Moreover, prior to the date of the Treaty of 1845 between Venezuela and Spain, England looked upon this Republic as a nation and entered into relations with her as early as 1834, without waiting for the tardy recognition by Spain, as she had formerly done in 1825 with regard to Colombia with no other antecedents than the example of the United States in 1824, and even that of Spain herself who, on the 25th and 26th of November, 1820, had treated upon terms of equality with the Government of Colombia respecting an armistice and the regulations of the war. This was a great deal more than an admission of her belligerency, for mention was made therein, as of something already in existence, of "the Government of Colombia," its armies, its generals and commanders, its prisoners, its plenipotentiaries, etc.

Considering as her own the immense territory of America, and desiring to secure it exclusively to herself, Spain legislated in this sense and prohibited, not only communication with the new continent, but also navigation in its seas. But, being decided, in spite of insufficient population and resources, to colonize the Floridas, Mexico, Guatemala, Venezuela, the Viceroyalties of Granada, Peru, Buenos Ayres, and the islands of Cuba, Porto Rico, Jamaica, Hispaniola, etc., it is not surprising that she could not simultaneously carry out so many enterprises and in the same degree of relative perfection.

A spirit of jealous rivalry against Spain quickly spread among the other nations; partly from hatred of her well merited fame, partly from fear that the accusation of new subjects, lands, and treasures would immediately increase her power. The result was that the commercial States of Europe began to devise plans wherewith to oppose the threatened danger. Such was the case chiefly with Great Britain, France, Portugal, and even Holland, then still a province of Spain but in open rebellion. They all began by means of clandestine commerce, and by seducing the Indians in order to alienate them from the Spaniards and make the latter obnoxious to them.

This was carried into effect, with untiring perseverance, by the Dutch in alliance with the British. They also eagerly sought the co-operation of the ferocious tribe of the Caribs, at whose hands died, at various times, an infinite number of Spaniards, and who efficiently aided the Dutch in all their hostile purposes. The Hollanders were so much the less scrupulous in making use of this immoral resource, because they had been for some time engaged in an internecine war for the attainment of their independence. This, however, they did not achieve until 1648, when the peculiar circumstances of Spain forced her to it as a political necessity.

By this time the Dutch had "establishments" on the coast of Guayana, which were confirmed to them by the Treaty of Peace and Friendship, without, however, naming them or describing their extension. Previously the Spaniards had driven them away from the Pumaron, from the Essequibo in 1595, and from the Corentin in 1614.

History is filled with accounts of the swarms of buccaneers, filibusters, and pirates who, in the seventeenth century, dedicated themselves to the nefarious industry of seeking riches, no longer in the mines of Mexico, Peru, or the New Kingdom of Granada, nor by searching for the fabled *El Dorado;* but by depredations of all kinds upon the vessels which the Spaniards employed in the trade with their colonies in America, and in the transport of treasures from these to Spain. Nor were the colonies themselves exempt from these depredations. Pirates and smugglers were favored by the facility for concealment in certain remote places of those unpeopled territories, unknown to the settlers, but abounding in wild cattle, fisheries, and hunting grounds, and in provisions which they obtained from the natives in exchange for trifles, such as hatchets, trinkets, and various insignificant articles. It is also well known that they likewise provided the Indians with arms and taught them how to handle them; thus augmenting the means of resistance to the settlers, and of injuring their establishments, of destroying their commerce and preventing them from carrying on the arduous task of civilizing the natives. Thus it was that some of the most promising places fell into temporary decadence, as, for instance, Hayti or Hispaniola, where war was fomented between the two nations which occupied the Island.

As for the English, they instituted against the Spaniards a system of rude and persistent persecution, harassed them on land and sea, seizing upon the cargoes of their vessels and disturbing their mercantile operations; so much so that it is astonishing to read the statement entitled "Chronological Notice of the injuries inflicted by the English upon Spain during the three last centuries, by usurpation of territory and dominion in both Americas," by the Intendente Don Juan Antonio Enriquez; "together with the pillage of islands and ports and even inland villages on that continent, and also piracies on its seas and coasts and seizures of rich vessels going or coming, even in full peace, and carrying on illicit commerce in ports and inlets," etc. [San Ildefonso, September 20th, 1795.

Archivo General Central: Ministerio de Estado. Legajo 4817.]

It is therein asserted that, since 1506, when the foreigners, and especially the English, began their piracies, during the 180 years which ensued, they plundered as many as 200 vessels and raided the coasts as many as 293 times; that from Guayana alone they took away at one time more than three millions, without counting the sums expended by the Royal Treasury in preparations for defence and succor, or what those pirates caused the vessels to expend; the total amount of damages amounting to the sum of 261 million dollars during the period named. It is also stated that there were about 160 foreign vessels yearly engaged in illicit trade; of which 20 passed by the Straits of Magellan and Lemaire to the south, 8 went to Buenos Ayres, 40 to the Windward Islands and Terra Firma, and more than 90 to New Spain, whence they returned to their respective countries with more treasures than those carried to Spain by her own fleets and galleons; and this without counting the many articles of trade which they continually introduced into Terra-Firma, in smaller craft, from their islands and colonies.

The foreigners readily comprehended the importance of the region of Guayana with regard to commerce and many other objects; it being traversed by the great Orinoco and by a multitude of rivers of all dimensions, by which it is connected with various parts of the continent, and which form an easy and commodious means of intercommunication. This is why Great Britain, Holland and France eagerly struggled for the possession of the Orinoco, and even appealed to arms in order to wrest it from Spain, as was attempted by the Dutchman Jansen, and the Englishman Raleigh, who, without the slightest justification, attacked, burned, and sacked St. Thomé de Guayana. Yet Spain, who always overcame all obstacles, speedily rebuilt the village, transferred it successively from one place to another up and down the river, and protected it by means of the forts spoken of by the Governor of the province, to the extent of completely dominating the whole river, and impeding the repetition of invasions.

The Spaniards did not establish themselves on the banks of the Orinoco alone. It is well known how they spread over the neighboring regions and scoured the Barima, the Wainy, the Moroco, the Pumaron, the Essequibo, the Corentin, the Cayenne, and even the Amazon, on the coast side. In the interior they trafficked on the Cuyuni and Massaruni and their affluents, and had there posts and religious Missions which gave such good results, overcoming the repugnance of the Indians to a civilized life and to the maxims and precepts of the Christian Religion. The Spaniards were also opposed in this civilizing conquest by the Hollanders, who, hating the methods by which the Indians were catechised, flattered their bad instincts and withheld them from habits of order and morality, offering, to them as preferable, a continued abandonment to their old customs. It is thus explained how the work of the missionaries was often wrecked; how the savage Indians destroyed whole villages founded by them, returned to the forests, and often sacrificed those who were eager to attract them to the social life of civilized nations.

Other causes must not be forgotten which fomented the spirit of hostility between Hollanders and Spaniards; among these, their religious differences, the former being attached to the ideas of Calvin, which were highly repugnant to the latter. In all matters, and more particularly with regard to religion, whoever professes a principle wishes to see it adopted by others, and this desire is quickly followed by an effort to that end.

Besides the powerful incentive of gain derived from licit and illicit commerce, the Dutch established the pernicious system of buying as slaves from the fierce nation of the Caribs, (whom they made their friends) the more mild and docile Indians, whom they hunted and captured. Such was the origin of the "posts" established by the Dutch on the Moroco and Cuyuni, where they held the marts of this inhuman traffic. It was also the origin of frequent disagreements with the Spaniards, when the latter did not immediately and unhesitatingly surrender the fugitive slaves. Spain's policy was to declare

them free upon setting foot on her territory, as she did with those who came from Curacao to Caracas. But the fact is that, in 1791, the Extradition Treaty of Aranjuez was celebrated, wherein the Dutch are represented as situated on the Essequibo, and the surrender of fugitive negro slaves was chiefly stipulated, and in the second place that of white deserters, that is, of soldiers.

In former times, the English had been the beneficiaries of the treaty called "Asiento de Negros," in order to introduce African negro slaves into the West Indies of America belonging to His Catholic Majesty, which had been ceded to them since 1713.

Considering also the natural propensity of nations to extend the boundaries of their territory, it will be readily understood how the Dutch and Spanish lived in continual quarrels; and how, owing to the oft-critical circumstances of the latter, the former endeavored to increase the extent of their colonies in America as they had in the East Indies, impelled in each case by the interests of their commerce and navigation, which at one time were so preponderant everywhere.

In spite, however, of obstacles so numerous and serious, Spain was always able to maintain her dominion and possession of the celebrated Orinoco against those who, by some way or other, pretended to dispossess her of them, and never failed to proclaim her exclusive rights over that river, over the rest of Guayana, and over all South America. This she did in the code of laws known as the Recapitulation of the Indies, as well as in all treaties which in any way related to the subject.

It has been seen already how, in Article XXXI of the Treaty of June 26, 1714, between Spain and Holland, His Catholic Majesty promised not to allow any foreign nation whatever, for any reason or under any pretext whatsoever, to send vessels to or trade in the Spanish Indies; but, on the contrary, His Majesty bound himself to re-establish, and maintain afterwards, navigation and commerce in these Indies in the same manner as they existed during the reign of

the deceased King Charles II, and in conformity with the fundamental laws of Spain, which are absolutely prohibited to all foreign nations to enter into and commerce with the said Indies, reserving the one and the other solely to Spaniards, subjects of the said Catholic Majesty. And in the execution of this Article, the States-General also promised to aid His Catholic Majesty, it being well understood that this rule should not cause any prejudice whatever to the provisions of the contract of "Asiento de Negros" lately made with Her Majesty the Queen of Great Britain.

A supererogatory corroboration of this was added in Article XXXIV of the same Treaty, wherein it was stated that although it had been said in several preceding articles that the subjects of both parties could freely go to, frequent, navigate, reside and traffic in the countries, lands, towns, ports, places, and rivers of both High Contracting Parties, it was nevertheless understood that the said subjects should enjoy the benefit of this license only in the states of the one and the other in Europe, since it was expressly agreed that, with regard to the Spanish Indies, navigation and commerce would there be carried on solely in conformity with Article XXXI of the same Treaty.

In the Spanish and Portuguese Treaty of 1715, Article XVII, each Government granted to the other all the privileges, liberties, and exemptions which they had enjoyed till then, or might thereafter grant to the most favored and privileged nation of all those which trafficked in the dominions of Spain and Portugal; this, nevertheless, to be understood as respecting only their European domains; commerce and navigation in the Indies being exclusively reserved to each of the two nations in his own dominions of America.

The Treaties of 1750 and 1778 between Spain and Portugal have been pertinently adduced, in so far as they especially concern the Orinoco. It was stipulated in Article XVIII of the former, that all the streams falling into the Orinoco should belong to Spain; and, in Article XXV a mutual guarantee was established with regard to all the frontier and contermi-

nous lands of the dominions of both nations in South America --an obligation which, in the interior, was indefinite, and on the seacoasts and neighboring lands, extended on the part of His Most Faithful Majesty as far as the banks of the Orinoco on both sides. This clause was repeated in identical terms in the Treaty concluded between Spain and Portugal at the Real Sitio del Pardo, on March 11th, 1778, and ratified on the 24th of the same month.

OBSERVATIONS ON SOME OF THE WRITINGS OF MR. (AFTERWARDS SIR) ROBERT H. SCHOMBURGK.

In the Description of British Guiana, Geographical and Statistical, by Robert H. Schomburgk, published in London in 1840, there are several points which call for comment, as well as in the relation of his voyages and in some of his reports reproduced in the Blue Book. Some instances will be cited.

In the preface to the aforesaid Description of British Guiana, after announcing that the work is the result of his personal examinations during successive years from 1835 to 1839, he acknowledges that the accompanying map is incomplete, "*many of its details resting on information procured from the* "*natives*, yet the greater portion has been laid down from my "own personal observations, and offers a correct view of the "facilities which the numerous rivers and their tributaries "afford for internal navigation, and will show how important "it is to the colony that its boundaries should be more clearly "defined than at present, *and freed from the encroaching claims* "*of the adjacent states, which, if admitted, would deprive British* "*Guiana of the greater part of her most valuable territory.*"

This coincides with the assertions of Lord Salisbury in his note to Sir Julian Pauncefote, dated November 26, 1895, as follows: "It is important to notice that Sir R. Schomburgk "did not discover or invent any new boundaries. He took "particular care to fortify himself with the history of the "case. He had further, from actual exploration and *informa-* "*tion obtained from the Indians, and from the evidence of local*

" *remains, as at Barima, and local traditions, as on the Cuyuni,* " fixed the limits of the Dutch possessions and the zone from " which all trace of Spanish influence was absent. On such " data he based his reports. *At the very outset of his mission* " *he surveyed Point Barima, where the remains of a Dutch fort* " *still existed, and placed there and at the mouth of the Amacuro* " *two boundary posts.*"

It is convenient to recall that Schomburgk, in his communication to Governor Light (Blue Book, page 193), declares that he planted a boundary post at the eastern point of the mouth of the Barima, " as a testimonial of Her Majesty's right of possession," and another at the western point of the River Amacuro," as a testimonial of Her Majesty's claim to the left bank of that river " as the western limit of her colony of British Guiana."

In his Description of British Guiana Schomburgk states (page 2) that: " The following description is limited to those " parts which comprehend British Guiana; but the exact " knowledge of its area depends upon the determination of its " boundaries; and in the uncertainty whether the pretensions " of the Brazilian and Venezuelan governments will be at- " tended to, it is impossible to come to a result. Some mod- " ern geographers extend British Guiana from the mouth of the " Corentyn in 56° 58′ W. long., to Punta Barima" (Mr. Schomburgk does not say *the Amacuro*) " in 60° 6′ W. long.,; in con- " sequence of the early Dutch settlers having had occupation " of the eastern bank of the river Barima, where they had " constructed a military outpost, before the English, in 1666, " had destroyed the port of New Zealand or New Middle- " burgh." (The former was the one destroyed: *vide* Boling- " broke's map.) " The Republic of Venezuela claims the " country to the mouth of the river Morocco, from thence to " the confluence of the rivers Cuyuni and Mazaruni, along the " western bank of the river Essequibo to the confluence of the " river Rupununi."

What Colombia claimed, and what was subsequently claimed by Venezuela through Señor Fortique, was the Essequibo

without stating how far; but according to the Governor and Captain-General of Caracas, Don Antonio de Abalos, in the instructions given by him, in 1778, to the Commissioner, Don Felipe de Inciarte, and according to the maps of Requena and others, and to the geographer, Montenegro—the line must cross the Essequibo at a point where a Dutch guard stood about 2° 30′ N. lat., and thence continue as far as French Guayana.

Schomburgk continues to say in the passage above cited: "The Brazilians having lately claimed as far north as the "mouth of the Siparunus, its area [British Guiana] would "then be reduced to about 12,300 square miles, and it would "form the smallest of the three colonies in Guiana which are "possessed by European powers."

The following note is thereto appended: "It is called the "smallest European colony in Guiana in the Dictionnaire Géo- "graphique Universel, Paris, 1828, vol. IV, p. 615, where the "area is stated to consist only of 3,120 leagues."

Consequently it is necessary to enlarge British Guayana, even at the expense of neighboring countries, so that it may not remain the smallest! It has thus gone on increasing to such an extent that in one year, from 1886 to 1887, it was augmented by 33,000 square miles, and it subsequently appears with an area of 109,000 square miles! And this last estimate is still retained in the last edition of the "Statesman's Year Book," published this year in London.

Mr. Schomburgk discovered a convenient way to enlarge the colony, viz.: By taking rivers and mountains as their boundaries, disregarding all vested rights. He says, page 3 of his Description: "If we follow the limits which nature "prescribes by its rivers and mountains, and include all the "regions which are drained by the streams which fall into the "Essequibo within the British territory, and adopting the river "Corentyn as its eastern boundary, the counties Demerara, "Essequibo, and Berbice, which constitute British Guiana, "consist of 76,000 square miles."

He remained short in his calculation, for, by adopting his system and stretching his line, it has already been seen that British Guiana now has an extension of 109,000 square miles.

There is one strange circumstance connected with this matter, namely, that while the English had "marked out" the boundaries of Guayana, first in 1781 (Blue Book, page 17) and afterwards in 1796 (Blue Book, page 19), to the westward of Point Barima, Mr. Schomburgk failed to find any traces whatever of this British demarcation!

It remains to be discovered up to the present, upon what grounds he advised the English Government to adopt as boundary lines the rivers and mountains extending into the interior of Guayana.

The following doctrine is to be read in Travers Twiss: "It "is obvious that a claim to all the lands watered by a river "and its tributaries, founded on the discovery and occupation "of the mouth of the river, must conflict with a claim to all "the inland territory as far as the line of watershed, founded "in the discovery and occupation of an extent of seacoast, "about which latter position of Law there is no dispute "amongst Nations. Such a claim is, in the second place, in- "consistent with the position of Law, that the occupation *de* "*facto* of one bank of a river and the river itself by one Na- "tion, does not establish a Right of Possession over the op- "posite bank, so as to exclude another Nation from settling "upon it; it should be vacant *de facto*. The doctrine of the "United States Commission against which Great Britain "considered it equally due to herself and other Powers to "enter her protest, may therefore be regarded as extravagant, "since it derives no countenance from the Law of Nature, "which regards rivers as appurtenant to land and not land "as adherent to rivers, and it cannot be admitted without der- "ogating from established rules of Public Law acknowledged "by all Nations."

How much less can the supposed right be alleged by the English who did not discover the mouths of the Barima, nor

of the Moroco, nor of the Pumaron, nor of the Essequibo! It has been elsewhere proved by various authorities, that the Spaniards were the discoverers of the Barima, of the Moroco, and of the Essequibo, and that they subsequently expelled the Dutch from the Barima and from the Pumaron. But even had it been the contrary, the answer of the British Government, cited by the same author, to the Spanish Ambassador, who remonstrated against Drake's expedition, is applicable to the English, viz., "that for their (the Spaniards) having touched "only here and there upon a coast, and given names to a few "rivers and capes, were such insignificant things as could in "no way entitle them to property (*propietas*) further than in "the parts where they actually settled and continued to in-"habit."

Moreover the said rivers formed a part of the territory of Guayana which belonged to Spain in consequence of the titles enumerated, especially that of contiguity.

Neither must it be forgotten that Schomburgk alleged no British rights to the Amacuro, but only the convenience of the frontier beginning there, so as to follow natural limits.

With reference to the mountains in the above cited Description, Schomburgk affirms (page 5) that they "form the sep-"aration of waters of the basins of the Orinoco and Essequibo "on the north, and the Amazon on the south, and they are "therefore of the greatest importance in deciding the boundary "of British Guiana."

He undoubtedly means that the affluents of the Orinoco and Essequibo must pertain to Venezuela, as was established in the Treaty of 1859 between Venezuela and Brazil, and in that of 1750 between Spain and Portugal.

With respect to the Essequibo, he affirms (Note on page 11): "*The Essequibo is said to have received its name from Don Juan* "*Essequibel, an officer under Diego Columbus.* At its lower "course it was called by the Indians who inhabited the coast "'Aranauma.' The Tarumas called the upper Essequibo "'Coat-yang-Kityou,' the Macusis and Caribees 'Sipou'."

In page 17, he says: "Between the Essequibo and Orinoco "are the rivers Pomeroon, Marocco, and Wai-ina or Guayina; "and although these outlets are comparatively of small size, "they are so closely connected by branches and tributaries "that they afford an inland navigation from the Marocco to "the Orinoco. Their importance in a political and commer- "cial respect becomes therefore evident."

Page 50: "The Macusis occupy the open country or savan- "nahs of the Rupununi, Parima, and the mountain chains "Pacaraima and Canucu. Those who inhabit our territory "number 1,500; the whole tribe is probably not less than "3,000. They are bordered to the north by the Arecunas, "who inhabit the mountainous regions at the head-waters of "the Caroni and Cuyuni. They are a powerful tribe, *but are "more properly the inhabitants of the Venezuelan territory;* about "150 live at the south-western tributaries of the Mazaruni."

On Schomburgk's map the boundary line runs from the Amacuro to the south, and at the parallel of 7° N. Lat., deviates to the southwest until it reaches the 61st meridian, and thence continues with various inflections to the southeast as far as the sources of the Essequibo, and lastly runs to the northeast in search of the Corentin. Nevertheless, in Schomburgk's altered map, his line appears as including the whole Cuyuni.

Page 137: "The Dutch formerly cultivated the banks of "the Essequibo a hundred miles above its embouchure; if "we except the three islands at the mouth of the river, culti- "vation does not extend at present five miles beyond its "mouth. The same remarks apply to the rich coast land of "the rivers Pomeroon and Marocco." According to this, in the upper parts of the rivers Essequibo, Pumaron, and Moroco, cultivation, and consequently occupation, had been given up, and only existed on the coasts.

Page 56: "In 1837 the Indians, at the river Marocco, who "are mostly emigrants from the former Catholic missions at "the Caroni, were given under the charge of a Roman Cath- "olic priest." So that the English have established Catholic

missions in the places occupied by them in order to entice the Indians from the former Spanish missions.

Pages 150–151: "A short portage of about seven to eight "hundred yards separates the basin of the Amazon from that "of the Essequibo. During the rainy season, the river Ama- "zon and the Upper Orinoco may be reached from Demerara "entirely by inland navigation. So extensive is the water com- "munication of these fertile provinces that with a little trouble "the inland navigation might be extended to Santa Fé de "Bogatá, and even to the Pacific on the west, and to Buenos "Ayres on the south. This is not a visionary scheme : while "at the Rio Negro, I met a trader from Matto Grosso who "had descended the Madeira with a cargo, which he offered "there for sale at the small villages along the Rio Negro. He "informed me, that departing from Matto Grosso on the Ma- "deira, they enter the Marmore and its Tributary the Guapore, "when they drag their canoes about three miles over land to "the Aguapeki, which flows in the Jaura and Paraguay. The "river Napo offers communication with Quito, the Ucayali "with Cuzco, the Huallaga with Lima. Ascending the Rio "Negro, and entering the Orinoco by the Cassiquiare, its trib- "utary, the Meta offers an uninterrupted navigation to New "Grenada, and within eight miles of Santa Fé de Bogata. Did "not British Guiana possess the fertility which is its distin- "guishing feature, this inland navigation alone would render "it of vast importance ; but blest as it is with abundant fruit- "fulness, this extensive water communication heightens its "value as a British colony."

If this is true, what need has Great Britain of the Orinoco, when from the possession of it she would not derive greater advantages than those offered by the Essequibo? Or what injury can accrue to Great Britain from leaving the complete dominion of the Orinoco to Venezuela, which is a question of supreme interest to the Republic, as is recognized by every one? Why such insistence upon the possession of the Barima, which was never really occupied by the Dutch, since they were even obliged to abandon a temporary trading post which did not so much as pay its expenses?

In his report to Governor Light, dated July 1st, 1839, and inserted in pages 183–184 of the Blue Book, Mr. Schomburgk says:

"These two instances, therefore, clearly prove the existence "of Dutch posts beyond the River Siparuni (at the mouth of "which river Captain Leal fancied he discovered the remains "of a former Brazilian boundary mark), and attest the claim of "Her British Majesty to that territory. *Furthermore, I planted "the Union Flag of Great Britain at the sources of the Essequibo, "in latitude* 0° 41′ *north, and did take possession of those regions "in the name of Her Britannic Majesty.*" . . . . . .

"These limits (Point Barima's) of our territory were con- "tested by the Spaniards. When in possession of the South "American Colonies they claimed the banks of the Rivers "Moroco and Pomaroon. They pretended that their limits "stretched from this point and across the savannahs, in which "some little granite rocks stand prominent, first south-west and "then south-east towards the confluence of the Rio Cuyuni "with the Mazaruni, which river they crossed, and extended "along the western bank of the Essequibo as far as the point "where the mountains of Pacaraima give a passage to the "Rupununi." . . . . . .

"My deductions from the different circumstances to which "I have attempted to draw the attention of your Excellency "are that it is practicable to run and mark the limits of British "Guiana on the system of natural divisions, and that the limits "thus defined are in perfect unison with the title of Her Bri- "tannic Majesty to the full extent of that territory." . .

"That as it would be insufficient to the future security of "the boundary to run the limits of the Colony of British "Guiana upon *ex parte* authority, necessary steps might be "taken to obtain the consent and concurrence of Holland, the "Brazils, and the Republic of Venezuela to institute a Boun- "dary Commission." . . . . . .

"This retrospect proves that, during the period the de- "marcation of the Brazilians took place, the Colony was held "by Great Britain, France, and Holland, and no Commis-

" sioners of these great Powers were present, in order to give " consent to the extraordinary pretensions of the one-sided " and self-elected Brazilian Boundary Commission." . .

"If Great Britain were to accede to the limits of her terri- " tory as laid down by the Brazilian boundary commission, " *and claimed by the former Spanish government of Venezuela,* " she not only loses the Mazaruni, and the regions west of the " Essequibo, where I have proved already the Dutch to have " possessed military posts, but also all claims to the mountain " chain known on maps under the name of the Sierra Paca- " raima."

The foregoing passage is suppressed where it should have been inserted, page 184 of the Blue Book; probably because it contains no argument of the author, but only a flattery addressed to the British Government, persuading them to act, not in conformity with justice, but according to their own convenience.

Let it be noted moreover, how Schomburgk recognizes that the lines of the Barima, Moroco, and Pumaron were contested by the Spaniards; that even up to 1839 Great Britain had not occupied the Upper Essequibo; he very reasonably demands the concurrence of the four conterminous countries for the purpose of instituting the Boundary Commission; and consequently that he does not accept that one of them alone should run the limits upon *ex parte* authority. There can be no more conclusive condemnation of Great Britain's conduct towards Venezuela in arrogating to herself, exclusively and without appeal, the faculty of fixing the frontier of the two countries.

Let the foregoing passages, written by Mr. Schomburgk in 1839, when he was only an explorer of British Guiana, on behalf of the Royal Geographical Society of London, be compared with what the same Mr. Schomburgk affirmed and executed in 1841, when he was already Her Britannic Majesty's Commissioner for surveying and marking out the Boundaries of British Guiana, and the influence of official employment will again be manifested.

At first he had spoken without passion of the old Spanish claims; but in a Memorandum inserted in the Blue Book, (pages 235 to 239), respecting the boundary question between British Guiana and Venezuela, he qualifies those claims as absurd, and is surprised that in spite of their absurdity, they should have been renewed in an Atlas of the Republic of Venezuela, by Colonel Codazzi, Caracas, 1840, "in which the river Moroco is asserted to form the eastern boundary of Venezuela." He next appears astonished that Colonel Codazzi should have published in his "Resumen de la Geografia de Venezuela, Paris, 1841," that "the eastern boundary of "the Republic begins at the mouth of the Rupununi, con- "tinues along the left bank of the Essequibo as far as its con- "fluence with the Cuyuni; follows the course of the latter up "to the mouth of the river Tupuru which it ascends, thereby "reaching the sources of the Moroco, and thence following "the course of the last named, it terminates at the Atlantic "Ocean."

These limits being then the same which, according to the report addressed to Governor Light on July 1st, 1839, were claimed by the Spaniards, why is it to be wondered at that the geographer, Codazzi, should have adopted them in his Atlas and in his "Resumen de la Geografia de Venezuela"? But Codazzi did not believe that such line ought to be the boundary of the Republic; for in the space extending between the Essequibo and the Moroco he placed this note: "Territory considered as usurped by the English;" and he repeated it in the region where the headwaters of the Essequibo are situated. Mr. Schomburgk read this note, as is evidenced by his saying, after the description of the frontier: "This boundary, formed "according to Venezuelan dictation, includes Cartabo Point "and the island of Kyk-over-al; whereas it is conversant to "every one acquainted with the early history of these colonies, "the Dutch had their first settlements at the *Mazaruni*."

"It includes old estates, and a recent missionary institution, "Bartika Grove, at the left bank of the Essequibo; and to "crown the whole of their pretended claim, they call the west

"coast and Arabian or Arabisi coast of the Essequibo, "*usurped.*"

"What with the claims of the Brazilians on the south-"western territory, and the Venezuelans on the west, it appears "the Governments of the adjacent territories intend to reduce "British Guiana to the tenth part of its rightful possessions."

"The territory which the Venezuelan Government disputes "amounts, only north of the River Cuyuni, to 7,000 square "miles; and while it is incontrovertibly proved that *the States-"General, or rather their subjects*, the Dutch West India Com-"pany, had actual possession of Point Barima, no fact can be "adduced that either the Spanish or the present Venezuelan "Government were ever in possession of the smallest extent "of ground *east* of Point Barima."

"It is true the Spaniards attempted, once or twice, to attack "the Dutch at their settlements, but they were always repulsed, "even as late as 1797, when their attack upon Fort New "Zealand was not only warmly received by the English and "Dutch garrison, but they were totally defeated, many killed, "or driven into the river, and only a few escaped in their "boats."

There is accuracy in the remark that, not the States-General but their "subjects," the Dutch West India Company, were, at a certain time, at Barima. In effect, for a nation to acquire territory, it is necessary that its Government confer authority upon its agents, as was done by the King and Queen of Spain with regard to Columbus and other discoverers.

In this case, as when in order to avoid limitation, efforts are made to recover a territory in dispute, it is necessary to proceed in the name of the State, as for a public enterprise recognized by the said State, and not as mere individuals acting without a commission and in a private character. It has already been recalled that according to English doctrine, the discovery made by a private individual, in possession of a private undertaking, confers no right whatever.

Mr. Schomburgk himself, in his report to Governor Light, dated June 22d, 1841 (Blue Book, pages 192 to 203), affirms

that from the Waini to the Barima there are passages connecting them as the Cassiquiare connects the Upper Orinoco with the Rio Negro; that Her Britannic Majesty had undoubted right to the Barima with all the tributary streams which flow into it, adding the following observation: "But as in the demarcation of a territory it is of great importance to fix upon a line of boundary which is permanent and fixed in nature, and which cannot be destroyed by human hands, I thought it advisable to claim the eastern or right bank of the Amacuro, preserving for Her Majesty or for such of her subjects as may deem it advantageous for their purposes, the same rights to the navigation and fisheries of that stream as the Venezuelans may claim hereafter"; that "the pole or post, at the mouth of the Barima was planted as an attestation of Her Majesty's undoubted right of possession to that river"; that "this point in the possession of Great Britain is of great value in a military respect"; that "the peculiar configuration of the only channel (Boca de Navios) which admits vessels of some draught to the Orinoco, passes near Point Barima, so that if, hereafter, it became of advantage to command the entrance to the Orinoco, this might be easily effected from that point"; that "this assertion is supported by Colonel Moody's evidence, who visited the spot in his military capacity in the commencement of this century"; consequently, that he planted another post on the western bank of the River Amacuro "as a testimonial of Her Majesty's claim to its right bank as the boundary of British Guiana."

Nevertheless, what he then called a *claim* was presented by him at the beginning of the line drawn on his map. It is true that he traced a red line with the observation, "Boundary as claimed by Great Britain," a green line marked "Boundary as claimed by Venezuela," and a yellow line marked "Boundary as claimed by Brazil."

This Mr. Schomburgk, who displayed anger against Brazil for not having invited its conterminate neighbors, Great Britain, France, and Holland to concur in the demarcation of their common boundaries by appointing a Joint Commission,

and who considered that it was indispensable to obtain the consent and concurrence of Holland, Brazil, and the Republic of Venezuela to institute a Boundary Commission, for he judged that the authority of Great Britain alone would be *ex-parte* authority—this same Mr. Schomburgk was commissioned by England in 1840 to come alone, and without the consent or concurrence of Venezuela, the other interested party, for the purpose of surveying and marking out the boundaries between Venezuela and British Guayana !

In his second report, treating of his explorations of the Cuyuni, Mr. Schomburgk says (Blue Book, page 224): "While at Haiowa I proceeded to the mouth of the Acarabisi, "which bears from the settlement north 75° 10′ distant about "1½ miles, and took formally possession of it in the name of "Her Britannic Majesty as the point where the western line "of limit meets the Cuyuni. The line stretches from thence "across the Cuyuni to its right or southern bank (where "another tree was marked with Her Majesty's initials), and "continues upwards to its source."

So that as late as 1841, in spite of the Monroe Doctrine, this Mr. Schomburgk was making new discoveries in Guayana and marking its trees as a sign of occupation!

In the paragraph following the passage just quoted, Mr. Schomburgk flatly contradicts the Preliminary Statement of the Blue Book, wherein it is affirmed (page 19) that the post recommended to be stationed in the fork of the Curiamo, a tributary of the Cuyuni, in order to cover these frontiers and prevent the robberies of the Dutch and Caribs, *was never established.* He says, in fact, that: "The mountains west of "the Acarabisi rise to a considerable height, and the summits "of the Ekreku are estimated at 2,000 feet above the level of "the Cuyuni. Catiya, or Curmnu, where, in the Royalist "time, a Spanish military post (Destacamento de Cuyuni) was "established, is about 20 miles to the westward of Acarabisi; "but the Spaniards penetrated during the revolutionary war "as far east as the River Airekuni, only 8 miles above the "Acarabisi. All the old inhabitants, both Waikas and Carabisi,

"concurred in the assertion that the Spaniards up to that time "had never penetrated further eastward than the Airekuni "River, whilst Father Caulin, in his 'Historia Carografica de "la Nueva Andalucia y Vertientes del Rio Orinoco' (1779), "has observed that at the period he visited the Orinoco, while "attached to the expedition of limits, the Dutch had already "carried on an extensive trade by means of the Cuyuni with "the Indian tribes at the Caroni and Parawa, and it was at "that period (1750–1760) that the Dutch possessions extended "to the foot of that series of falls, of which Kanaima is the "most considerable."

What he omitted to add is, that Padre Caulin complains of these audacious incursions of the Dutch as one of the greatest evils which they continually caused to the possessions of Spain and to the work of the Catholic missionary priests.

It is curious that Schomburgk should say that he had met Indians belonging to a race improved by the education received at the Capuchin missions of the Caroni, and that he should advise the continuance of their system, as the most suitable for the civilization of those peoples.

He declares that he "acquired a true knowledge of the "course of the Rivers Waini, Barima, Amacuro, Barama, and "Cuyuni, all of which had never been visited before by any "person competent to delineate them on a map. No wonder, "therefore, that their actual course should be almost opposite "to what it is represented to be on extant maps."

He concludes by stating that those regions were then inhabited by about 2,500 Indians belonging to the tribes of the Warraus, Arawaaks, Waikas, and Chaymas.

Mr. Schomburgk did not discover any settlement of Dutch or British origin. Had it been otherwise, he would not have kept silence respecting it.

When he refers to Dutch "posts," he states that "about eight "miles below Arakuna . . . . is the Island Tokoro (Tokoro "Patti), where, towards the close of the last century, the farthest "outpost of the Dutch was situated," and he adds that this was known only by tradition. He further relates that "the

"post was afterwards destroyed by the Spaniards and the "post-holder withdrawn nearer towards the cultivated part of "the Colony."

He makes no mention of the various "posts" marked on Map A appended to the Blue Book; but he does mention, as has been already noticed, the Spanish post denominated "Destacamento de Cuyuni."

The foregoing statements show that Mr. Schomburgk who, after his first voyage of exploration, had suggested to Governor Light the urgency of marking out the boundary between British Guiana and Venezuela, and who was afterwards authorized to mark it out himself in virtue of a commission issued to that effect by Her Britannic Majesty's Government, and by which he was knighted later on, only had in view to gain the good will of the English Government, flatter their territorial pretensions at the expense of Venezuela, and, in short, do all that was in his power to persuade them of the "convenience" of extending British "commerce" and dominion throughout South America; an object which Great Britain had been pursuing for a long time, and towards which she made great progress by occupying, in 1796, the Colonies of Essequibo, Demerara, and Berbice to the south of the Orinoco, and in 1797, the island of Trinidad north of the same stream, thus making herself, on both sides, owner of the neighborhood of the great river, whose mouth she is now so eager to possess as the crowning act of her ancient plans.

In spite of all, however, Schomburgk, in some cases, made accurate assertions respecting certain points, and he did not dare to present as rights, but only as *claims* or pretensions, the limits which Great Britain had appropriated by the strong hand and to which she has given much greater extension, although she still calls them by the name of the aforesaid explorer, afterwards official Boundary Commissioner. It was he who induced Great Britain to usurp a great portion of the territory in Guayana, in order to derive from its possession all the advantages assured to her by her power and her wealth, and by the spirit of universal domination which has taken possession of her.

Such was the greatest of Schomburgk's blunders. It has been seen how erroneously he spoke of the meeting of a Congress of Venezuela at Angostura in 1811, and of the faculties which he supposes to have been arrogated by the new Republic with regard to limits which she fixed, according to his statement, in the manner which she deemed most advantageous, without consulting the other Governments interested in the question, etc.

Lastly, from the time of his arrival at Demerara in 1841, Schomburgk's greatest endeavor was, as he admits in his memorandum of November 30 of the same year, to fix the western boundary of the British colony at the mouth of the Orinoco, which, as he asserts, had been always considered the boundary of the former Dutch possessions, in that Point Barima had been once fortified by that nation.

ACTION OF VENEZUELA IN DEFENSE OF HER TERRITORIAL RIGHTS IN GUAYANA.

From the beginning of the British aggressions upon the territory of Guayana, Venezuela has been untiring in her employment of the means necessary to the fulfillment of the sacred duty of defending the integrity of her soil. Negotiations, protests, appointment of diplomatic agents at London; requests for mediation on the part of friendly powers, particularly the United States and the Pope; her appeal to all the Hispano-American Republics in quest of their moral support, and for the purpose of promoting an assembly of these in Congress in order to treat of a question which is of common interest to all; establishment of stations in divers sites of the frontier, so as to check the advances of the invader and recover the soil; despatch of commissions to the venues in order to make sure of the acts alleged and proceed in consequence thereof; adoption of measures of public security; all this, and more, has been done by the Government of Venezuela.

The official documents stand as proofs of the foregoing asseveration, and will, in future, testify to the importance given by this Government to a question so transcendental as is the

dominion of the Orinoco; the principal river of the Republic, recognized generally as one of the greatest in the world, owing to its ramifications and connections which make it a central point of action for connecting the republics of South America, and fertilizing and enriching the immense territories watered by it.

Venezuela remonstrated energetically in 1841 against the intrusions of Schomburgk in the province of Guayana, and against the planting of boundary posts, sentry boxes, flags, initials, and other signs of British sovereignty at Barima and Amacuro; which, however, in 1842, Lord Aberdeen agreed to have removed, no doubt on strength of the representations made him through the Venezuelan Minister, Dr. Alejo Fortique.

She earnestly promoted, through the same channel, the negotiation of the treaty of boundaries with Great Britain, claiming the Essequibo as the limit; which, however, was unfortunately paralyzed by the sudden death of Dr. Fortique in 1845.

In attention to the earnest request of the British Legation in Caracas, Venezuela consented, in 1850, to agree that neither of the interested parties would occupy or encroach upon any part of the territory in dispute, thinking to secure thereby the maintenance of the *status quo*.

The report of the Ministry of Foreign Affairs for 1858 contains the following: "That portion of the Republic where "nature has accumulated so many gifts, converting it into a "flourishing emporium, begins to attain the development to "which it is entitled. The discovery of the Caratal mines, "the productions of which are confirmed as positive, abund- "ant, and pure, has drawn there a multitude of Venezuelans "and foreigners, has attracted scientific expeditions, and ex- "cited in the Colony of Demerara the desire of opening di- "rect communication with the auriferous regions. The en- "trance into them, otherwise than through the ports open to "importation, has been forbidden by the Executive Power, "which has also opposed the opening of a highway. They

"being evidently situated within the limits of the nation, and "as no one is allowed to penetrate the territory except as per- "mitted by law, that is, through the ports open to importa- "tion, it was not possible to consent to the violation of a legal "precept. Moreover the State alone has a right to construct "highways, which is an act of dominion, when they are to "run through territory belonging to the said State and with- "out passing the frontiers; and as these have not yet been "delineated, it would not be improbable that in the future the "tolerence of Venezuela should be construed as an abandon- "ment of her legitimate claims. Neither has it been consid- "ered convenient to open an entrance through places where "custom-houses do not exist, since this would be equivalent "to their suppression, to the inundation of the country with "merchandise illegally introduced, and to the invalidation of "the laws taxing imports and exports. But access to the "mines has not been refused on this account to any foreigner; "on the contrary, it has been facilitated by a resolution of the "Ministry of Finances opening 'Puerto de Tablas,' among "other objects, for the purpose of allowing visitors to pro- "ceed to and return from the Caratal. This authorization "relieves them from the necessity of extending their voyage, "as was formerly the case, as far as Ciudad Bolivar. The "government proposes to follow up actively the question, "with a view to putting an end to the evils which are being "experienced on account of its undetermined state."

Towards the close of 1874 an English subject, Thomas Garrett, was arrested upon a charge of murder, at Amacuro within Venezuelan territory, and by constables in the service of the government of British Guiana. His delivery was demanded through various channels, and a suspension of the proceedings instituted was obtained; but shortly after, Her Majesty's Government ordered them to be continued. It was alleged that Amacuro was within the territory in dispute, and that such places should not be allowed to become sanctuaries in which criminals from both countries might take refuge, and it

was hoped that the Venezuelan Government would recognize the justice and expediency of the decision arrived at. The Executive did not find this solution satisfactory, and ordered that the rendition of the culprit should be insisted upon, sustaining that Amacuro was Venezuelan territory, and had been considered as such by authorities, and by the Government of Great Britain itself. All in vain. The Government of Venezuela protested against Great Britain's refusal through Señor Montbrun, Consul-General in the British Antilles. (Report of the Ministry of Foreign Affairs of Venezuela for 1876, and Blue Book, pages 269 to 286.)

In 1876, when tranquillity had been restored to the Republic, the Government again turned their attention to the boundary question, and by means of a note from the Ministry of Foreign Affairs, insisted with new arguments, and upon new authorities, on the proposed line of the Essequibo.

In the same year, 1876, Dr. José Maria Rojas was sent to London, commissioned to continue the negotiations relating to the boundary; but as he resigned his charge in 1878, the negotiations were suspended. They were, however, renewed in 1879, when Dr. Rojas was again appointed for that purpose, but his efforts did not give the results expected. He had proposed a line which began a mile to the north of the mouth of the Moroco, and after running westward as far as the sixtieth meridian, descended the said maridian until it reached the extreme limit of both countries. This was in 1881.

This line was not accepted by the English Government, and in its stead they proposed, in September of the same year, Lord Granville's line, which, starting from the seacoast twenty-nine miles to the east of the right bank of the river Barima, ran inland until it included the sources of the Cuyuni.

Venezuela did not agree to this delineation, but returned to the Essequibo line, to which, since then, she has adhered without change; she furthermore proposed arbitration, which was deemed the only means of terminating boundary questions in conformity with her constitution.

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This question was treated in Caracas in 1883 between the Government and the British Legation, but without any successful result.

In 1884 General Guzman Blanco was accredited as Envoy Extraordinary and Minister Plenipotentiary at London, with the object, among others, of advancing these negotiations.

The British Government did not agree to arbitration, either by nations or by jurists.

In the negotiations of a treaty of friendship, commerce, and navigation, arbitration had been covenanted, in 1885, for the settlement of all disagreements between contracting parties; but when Lord Granville was succeeded by Lord Salisbury he withdrew this clause, under the pretext that it might be applied to questions of territory. The remonstrances of the Venezuelan Envoy did not improve the state of affairs.

In 1886, upon Mr. Gladstone's return to office, he was reminded of the promise made by his former administration; but it was not fulfilled, and yet another line was proposed with new conditions, to which Venezuela could not agree.

In 1886 the reclamation initiated at Caracas in 1885, was continued in London. It had been provoked by the invasion of Guayana by English authorities, acting therein as if they were on British territory. A demand was made for their withdrawal and the re-establishment of things in the condition in which they were in 1884, when forcible occupation by the English became open an unmasked. This demand was not only disregarded but never answered.

Towards the end of 1886 the British Minister at Caracas was asked to explain the formal establishment of British jurisdiction in Guayana; but as no explanation was given, he was notified that Venezuela intended to erect a lighthouse at Barima, and that, if her Majesty's Government did not agree to evacuate the territory as far as the Pumaron, and to submit to arbitration the entire controversy as far as the Essequibo, the relations between the two countries would be broken off when Congress should meet, February 20th.

Upon Great Britain's non-compliance, relations were suspended.

In August of the same year, General Guzman Blanco was again sent to Europe with instructions to procure the re-establishment of friendship and the settlement of boundaries, which, however, he was unable to accomplish.

The same mission was entrusted, in 1889, to the Venezuelan Minister at Paris, Dr. Modesto Urbaneja. The British Government declared that they "could not accept as satisfactory "any arrangement which did not admit the British title to the "territory comprised within the line laid down by Sir R. Schom-"burgk in 1841. They would be ready to refer to arbitration "the claim of Great Britain to certain territories to the west of "this line."

Dr. Urbaneja was presented with a map wherein Schomburgk's line, now more than ever extended, was drawn; another line, comprising the Yuruary territory, was considered as susceptible to arbitration; and a third line, marking the extreme British claim, was not to be insisted upon. They were all new and unknown to Venezuela.

Before Dr. Urbaneja could reply he was succeeded by Dr. Lucio Pulido. The latter declined to consider these lines; but proposed to declare that the river Essequibo, its banks, and lands covering it, belong exclusively to British Guiana; that the river Orinoco, its banks, and the lands covering it, belong exclusively to Venezuela; and that the title to the intervening territory be referred to arbitration. This proposal was rejected by the British Government, and Dr. Pulido protested against the unlawful occupation of Venezuelan Guayana by the British.

In 1893, persevering in their efforts to bring this matter to a final settlement, the Government of Venezuela appointed Señor Tomás Michelena for that purpose. He presented a project of a Mixed Commission, for the purpose of examining the documents supporting the claims of each party and fixing a limit in accordance with these documents; and in case of disagreement, the said boundary should be fixed by a juridicial arbiter, to be appointed by common agreement between the two Governments.

Lord Rosebery amended Señor Michelena's project by excluding from it the territory comprised within the extended Schomburgk line. This implied that Venezuela should begin by recognizing the arbitrary appropriation of that territory by Great Britain.

The Venezuelan Agent energetically and in justice protested against such an outrageous pretension; but as no attention was paid to him, and the receipt of his note was barely acknowledged, he protested again in a similar manner.

Such has been the course followed through Diplomatic Agents.

Private commissions to Demerara and to the usurped territory have been appointed by the Venezuelan Government as follows:

In 1841, the Licentiates José Santiago Rodriguez and Juan José Romero, were sent to ask explanations from the government of the British Colony with respect to the displaying of the British flag at Amacuro and Barima, and with instructions to protest in case of a refusal.

In 1848, Señor Andres Eusebio Level was commissioned for the purpose of exploring the frontiers in order to elucidate the boundary question.

In 1864, Major Lino José Revenga was sent to make a scientific study of the matter.

In 1881, the President of the State of Guayana despatched as Commissioners to Point Barima, Señores Antonio Ricci and Herman Courlaender, on having received information that a steamer and a sailing vessel had arrived at the Boca de Orinoco, that is, Point Barima, and were placing signs of dominion.

On March 16th, 1885, the Federal Government commissioned General Federico Pulgar, for the purpose of investigating the facts connected with the occurrence between the Manoa Company and the English authorities of Demerara, together with all the circumstances concerning the British occupation of the territory of Guayana.

On December 8, 1886, Dr. J. Muñoz Tebar and Señor Juan Bautista Dalla Costa were designated, together with General Santiago Rodil as attaché, in order to verify the acts of British occupation, appoint officials, protest against the usurping authorities, and declare as belonging to Venezuela the places invaded by the English.

On March 29th, 1890, Dr. Rafael Fernando Seijas was sent in the character of Commissioner to the territories in dispute, for the purpose of studying on the spot the state of affairs, and of strongly protesting, as he did, against all acts which violated the rights of Venezuela.

In the same year, 1890, General Daniel Briceño was sent upon the same mission to Demerara, together with Señor José Cipriani as interpreter, and Nicolas Mesa, commander of the force sent to explore the margin of the Cuyuni.

At the same time, General Santiago Rodil was despatched by the National Government, for the purpose of making a study regarding the colonization in the Barima-Pumaron District.

In virtue of the report and the suggestions presented by Dr. Rafael Fernando Seijas, the Ministry of the Interior decided, May 13th, 1890: 1st, to create at the point nearest to the disemboguement of the Cuyuni into the Essequibo, a jurisdiction denominated "Essequibo-Cuyuni District," establishing road-houses and organizing a village in the Yuruan; 2nd, to create between Point Barima and the River Pumaron, another jurisdiction under the name of "Barima-Pumaron District."

By authority of the Organic Code of the Federal Territory of Yuruary, a special commission was appointed, April 17th, 1890, for the regions of the rivers Yuruary, Cuyuni, Mazaruni, and Essequibo, and their affluents, as far as the limits with British Guiana. Generals D. Briceño R., and Nicolas Mesa were named Commissioners, and, after fulfilling their charge, they reported on the subject.

In October, 1890, assistance was given to General Felipe Parra, who spontaneously offered to go to the Cuyuni with

his family and twenty-five other persons, for the purpose of starting a colony there. They set out in November of the same year.

In the same month of October was approved the contract made with the Governor of the Yuruary Territory for the drafting of plans of the mining Territory and River Cuyuni, as far as the mouths of the Mazaruni.

On November 20th, 1892, the "Comisaria-General" of the Amacuro and its affluents was reorganized. It is composed of a principal site, at the mouth of the Amacuro; of three "sub-comisarias," one at Punta Cuyuvini, another at Guani, and another at Crab Island, at the entrance to the Orinoco; and of the Station situated at the "Salto de San Victor," in the path leading to the Acarabisi.

The "Comisaria-General" of the Cuyuni and its affluents was reorganized, December 28th, 1893. It was situated at El Dorado, at the confluence of the Cuyuni and Yuruan, opposite the Station established by the English in 1892 on the right bank of the Cuyuni. It comprises four sub-comisarias and two Stations, the former at the Acarabisi, Botanamo, Salto del Negro, and San Roque, and the latter at Macairy and Yuruan.

Suitable buildings were constructed for the "Comisarias-Generales," the "sub-comisarias" and the Stations, and another for purposes of worship.

Besides these, other auxiliary measures were decided upon, and orders were issued as follows:

To open a road from Guani to Acarabisi and place Stations at intervals of twenty kilometres.

To construct a road from Tumeremo to Botanamo, and another from Callao to Cuyuni. (January 5th, 1894.)

To organize the administration of justice, in conformity with the decree of August 2d, 1894.

To establish schools.

To establish a special Mission in Cuyuni. (December 14th, 1895.)

To explore the territory comprised between the Cuyuni and the Roraima Peak, which was carried into effect and reported upon in April, 1895.

To destine the steamer "Caura," renamed "Barima," to the service of the "Comisaria-General" of Amacuro.

To construct (as has already been done) the telegraph line between Callao and El Dorado, extending it to the "sub-comisarias." (January 5th, 1894.)

To explore the territory for the purpose of choosing suitable sites for new stations. (January 5th, 1894.)

Various analogous commissions have been given to Señor F. H. C. Gorsira, General Francisco Chartier, and Señor César S. Urdaneta.

A decree has just been issued for the establishment of a new Station on the left bank of the Acarabisi, opposite the one recently constructed by the British on its right bank.

By these several measures Venezuela has clearly demonstrated her inflexible resolution not to consent to the establishment of the British in territories which she considers evidently her own, or in those which are in dispute between the two countries. She thus continues the opposition and resistance constantly made by the Spaniards, her predecessors, against the usurpations and unjustifiable advances of the Dutch.

Strong and oft-repeated protests have been made by Venezuela for the purpose of forestalling any supposition that she might tacitly consent to such pretensions, and to the limits the fixing of which the English have forcibly arrogated to themselves. Especially has this been the case since October, 1884, and still more since October 21st, 1886, when the British seized upon territory which they asserted to be in dispute. Venezuela has addressed some of those protests directly to Her Britannic Majesty's Government; she has presented others to the Diplomatic Corps at Caracas; and others have been laid directly before the Government of foreign countries, for their own information and that of the civilized world, both American and European. These various protests and remonstrances have all been published in the "Official Gazette" and in the Reports of the Ministry of Foreign Affairs.

Among these protests, one of the first and most solemn, and which was preceded by the declaration of the suspension of official relations between the two countries, was that made at Caracas on February 20th, 1887, and addressed to Mr. F. R. St. John, Her Majesty's Minister Resident, on account of the refusal of the British Government to evacuate, as was demanded, the Venezuelan territory at the mouths of the Orinoco, which they had unlawfully seized, and to submit to arbitration the entire question of boundary as far as the Essequibo. The Government of Venezuela laid this complaint before Her Britannic Majesty's Government, before all nations, and before the world in general, protesting against the acts of spoliation committed by Great Britain to the detriment of the Republic, and which Venezuela at no time and for no cause whatever, would recognize as capable of altering in the least the rights which she had inherited from Spain, but which she would always be ready to submit to the award of a third power.

Since then a series of similar protests has been made whenever a new act of usurpation has occurred; as, for instance, those of June 15th and October 29th, 1888, December 16th, 1889, May 2d and September 1st and 30th, 1890, December 30th, 1891, October 6th, 1893, November 15th, 1894, and January 3d, 1896.

Since 1882 the Government began to take measures respecting certain maps on which the boundaries of British Guiana were extended as far as the Orinoco, as they gave false notions and were drawn without the slightest idea of the antecedents of the question at issue. These measures were repeated in 1890 by declaring apocryphal, capricious, and destitute of authority, the map drawn by Messrs. W. Tiry Stevens and Charles Conolly, as was formerly done with respect to the Atlas of Modern Geography, constructed under the direction of E. Cortambert, and to the map appended to the "Illustrated Review" of New York, 1887; and the same measure was taken in September, 1890, on account of the publication of another equally defective map in the Report of the American

International Conference on a line of international railway. This last named error was cheerfully and readily corrected. In 1891 the Government prohibited, on similar grounds, the introduction, sale, and circulation of "The New Universal Geographical Atlas," constructed especially for the instruction of the Youth of America, edited by C. H. Bouret, and engraved by E. Morien. This measure became generalized afterwards, and was applied to all maps found to be in the same condition.

In 1894 the Government obtained the ratification of certain data respecting British Guiana, published by the International Bureau of Washington, wherein mention was made of the productions of the "gold mines of British Guiana," whereas such mines exist only in territory of Venezuela which has been usurped.

In 1890 the Government sent Plenipotentiaries to all the American Republics for the purpose of manifesting to them the grave situation of Venezuela, and of requesting their good offices, in the name of fraternity and on account of the dangers to which some of them were exposed as a consequence of Venezuela's peril, in order to secure the settlement of the boundary question of Guayana by submitting it to the award of an arbiter, or to the investigation by a commission named by both parties litigant, whose decision should be taken as a basis for a treaty of boundaries or for a definitive *status quo*. All the sister Republics have given a considerate hearing to this appeal. In the present year other Legations have been appointed with a similar object.

By force of constant efforts, the Government has obtained documentary evidence from the general archives of the Indies and of Simancas, and from the Library of the Royal Academy of History at Madrid; and from Holland, Rome, and other places, histories, geographies, and maps (among which some English ones) relating to the question which now absorbs the attention of the Republic.

The book entitled "British Limits of Guiana," containing the principal documents, correspondence, reports, and opin-

ions, which, up to that time, had been collected, was published in 1888, in Spanish and English, by order of the Executive, and was distributed in London among the Parliament, the Court, the high officials of all Departments, people of education, the organs of the press, the members of the Diplomatic and Consular Corps, etc.

It is well known that as early as 1876, Venezuela invoked the support of the United States, and that the phase in which the question now appears is due to their powerful and benevolent intervention, which is expected to lead to an honorable arbitration respecting the entire territory in dispute.

Thus it stands beyond doubt that Venezuela, continuing the defensive policy of Spain, has omitted no means of proclaiming that she has never consented, nor will ever consent, to the spoliation of her territory, effected in spite of all by Great Britain; and that consequently, the rights of the Republic cannot be barred by a limitation inflicted by a force which has always been opposed and never assented to, but on the contrary combated unceasingly and by every possible means, in conformity with the principles set forth in the Memorandum of the Ministry of Foreign Affairs of March 25th of the present year.

CONDUCT OF GREAT BRITAIN IN RELATION TO THE QUESTION.

Although it is not deemed necessary to analyze the boundary controversy between Venezuela and Great Britain, as all the correspondence of both parties litigant has been published, it may not be amiss to present here a synopsis of the principal features of the dispute.

The contention became acute in 1841. In the preceding year the English Government gave orders to their Consul-General at Caracas, Mr. Daniel F. O'Leary, to inform the Government of Venezuela that a commission had been issued to Mr. Robert H. Schomburgk authorizing him to survey and mark out the boundary between British Guiana and Venezuela, and that the Governor of British Guiana had been instructed to resist any

aggression upon the territories near the frontier, which, up till then, had been occupied by independent Indian tribes.

The Government of the Republic, surprised at so usual a method of proceeding, observed that it was necessary that a Treaty of Limits be negotiated previously, and proposed this as a basis for the survey and demarcation of the territory, which should be made by Commissioners respectively appointed by the contending parties, and not by one of them alone.

To this it was replied that probably Mr. Schomburgk was already engaged in the execution of the duty assigned to him, and that this circumstance, besides being conformable to established practice, would materially facilitate the labors of any future Joint Commission such as the one proposed.

As appears from the Blue Book, (pp. 183, 184,) Mr. Schomburgk had already given his opinion upon the matter to Governor Light since July 1st, 1839, urging the necessity of a prompt demarcation of the limits, but with the concurrence of all the parties interested. In consequence of which Lord Palmerton suggested "that a map of British Guiana should be made out according to the boundaries described by Mr. Schomburgk; that said map should be accompanied by a Memoir describing the boundaries in question; that copies of that map and Memoir be delivered to the Governments of Venezuela, Brazil, and the Netherlands as a statement of the British claim; and that, in the meanwhile, British Commissioners should be sent to erect landmarks on the ground in order to permanently mark out the line of boundary so claimed by Great Britain. It would then rest with each of the three Governments above mentioned to "make any objection which they might have to bring forward against these boundaries, and to state the reasons upon which such objections might be founded." Mr. Schomburgk came to do this, and this he did; but no copy of either map or Memoir was ever delivered to Venezuela.

With respect to the intimation that any aggression upon lands near the frontier, occupied by independent Indian tribes,

would be resisted, it is evident, first, that Venezuela was supposed to entertain hostile purposes towards the Indians, whereas they were guaranteed liberal treatment by the laws of the Republic; second, that the said intimation involved an unauthorized interference with the affairs of Indians, non-dependent upon Great Britain nor in any way subjected to her protectorate; and, thirdly, that even had the contrary been the case, friendly remonstrances, and not criminations or threats or premature reprisals, should have been previously made. The intimation was also suggested by Schomburgk.

Shortly after, it became known at Caracas that Mr. Schomburgk had penetrated into Venezuelan territory, and had planted boundary posts and other signs of British dominion at Amacuro, Barima, and other places belonging to the Republic.

National feelings became excited over this outrage, and the Government energetically demanded an explanation from the Governor of Demerara by means of two special Commissioners, and from the Cabinet of St. James through the Venezuelan Minister, Dr. Alejo Fortique.

After some discussion, in the course of which Lord Aberdeen asserted that the posts fixed by Mr. Schomburgk "would afford the only tangible means by which Her Majesty's Government would be prepared to discuss the question of boundaries with the Government of Venezuela, and that those posts were erected for that express purpose only, and not, as the Venezuelan Government appeared to apprehend, as indications of dominion and empire on the part of Great Britain" (Blue Book, page 213). His Lordship, influenced, no doubt, by the strength of the reason alleged by the Venezuelan Legation, ordered the said posts to be removed (Blue Book, page 234), a measure which was justly applauded.

The efforts made by Señor Fortique to enter upon the negotiation of a Treaty of Limits met with difficulties on the part of the English Government, as they manifested no interest in elucidating the question, but rather a desire to let it remain in abeyance.

Finally, however, the insistence of the Venezuelan diplomat succeeded in surmounting all obstacles, and on January 31st, 1844, Señor Fortique formally opened the negotiation, and upon the basis of a sound doctrine, of numerous historical data and of respectable authorities, proposed as a boundary line the course of the Essequibo.

Lord Aberdeen controverted this claim and in his turn proposed that the inland boundary be marked by "a line drawn "directly from the mouth of the Moroco to the junction of the "River Barama with the River Waini, thence up the River Ba- "rama to the Aunama, and up the Aunama to the point at which "that stream approaches nearest to the Acarabisi, and thence "down the Acarabisi to its confluence with the Cuyuni, from "which point it will follow the bank of the Cuyuni upwards "until it reaches the highlands in the neighborhood of Mount "Roraima which divides the waters flowing into the Essequibo "from those which flow into the Rio Branco."

"All the territory lying between a line such as is here de- "scribed, on the one side, and the River Amacuro and the "chain of hills from which the Amacuro rises, on the other, "Great Britain is willing to cede to Vénezuela, upon the con- "dition that the Venezelan Government enter into an en- "gagement that no portion of it shall be alienated at any time "to a foreign Power, and that the Indian tribes now residing "within it shall be protected against all injury and oppression."

This proposition had the following inconveniences:

1. The line began at the Moroco, instead of at the Essequibo, as is rightly claimed by Venezuela.

2. It continued by rivers and mountains, which have not been proved to be British or formally Dutch, but only in consequence of Schomburgk's suggestion to adopt natural limits.

3. It next ran along a bank of the Cuyuni, nearly up to its headwaters, whereas no part of this river, excepting perhaps its mouth, was ever occupied by or belonged to Holland.

4. A territory was graciously "ceded" to Venezuela, which territory, however, she considered to be her own by indisputable title.

5. An obligation was to be imposed upon the Republic not to alienate any portion of that territory, thus impairing her faculties as a proprietor.

6. The Republic was to be obligated to protect the Indians residing within the territory "ceded," as if they had been subjected to persecution instead of being objects of a particular solicitude which legally places them on terms of equality with other Venezuelan citizens.

Lord Aberdeen's line was not accepted. In its stead Venezuela decided, as a compromise, to present another, which, beginning on the coast at the Moroco, although the limit should be, in strict right, at the Essequibo, extended inland as far as Mount Imataca, from there it ran straight along the meridian of that mountain, and thence, crossing the Cuyuni, it went as far as the Sierra Pacaraima, which divides the affluents of the Essequibo from those of the Rio Branco.

It was also decided to stipulate, respecting the Indians, that neither of the contracting parties would endeavor to attract them from the one territory to the other.

The stipulation prohibiting alienation was at first rejected as disparaging to the sovereignty of the Republic; but upon reconsideration of the matter, it was determined to insist that, if the clause was to remain, it should be reciprocally binding, and should be modified respecting Great Britain in prevision that she might, in any way or for any reason whatever, desire to dispose of the whole territory of her Colony in favor of a foreign power.

This compromise was decided upon in conformity with the opinion of the Council of Government, whose report however strongly impugns Lord Aberdeen's opposition to the Essequibo boundary.

The course of negotiations was suspended in consequence of Señor Fortique's death, which happened before the presentation of the counter-project, and they remained in this state, as a successor to Dr. Fortique was not appointed.

The Blue Book contains a correspondence, defamatory to Venezuela, written by the British Chargé d'Affaires, Mr.

Belford Hinton Wilson, (Aide-de-camp of the Libertador,) to whose respected father the Congress of the old Colombian Union very properly accorded a vote of thanks, in recognition of his efforts, in the British Parliament, on behalf of the independence of that Republic.

The aforesaid Colombian Colonel mentions the rumor which had been current that Great Britain was bent upon acquiring possession of Venezuelan Guayana "in part payment of the "debt due to the Anglo-Venezuelan bondholders or as indem-"nification for the losses which British subjects have sustained "by reason of the operation of the Law of 'Espera,' or by "purchase from the Venezuelan Government, or by force." This he said to the British Vice-Consul at Ciudad Bolivar, authorizing him to expose the falsehood of such a statement, "not only as utterly and entirely destitute of any foundation whatever, but as the very reverse of the truth." (Blue Book, page 255.)

On November 18th, 1850, he wrote, in the same sense, to Señor Lecuna, Minister of Foreign Affairs of Venezuela, adding that her Majesty's Government would not direct or sanction any such encroachments or occupation on the part of British authorities; and that should there ever be any misapprehension of their determination in this respect, they would willingly renew their orders upon the point; that they had no intention of occupying or encoaching upon the disputed territory; but that they would not, on the other hand, view with indifference aggressions on that territory by Venezuela; that the Venezuelan Government could not, without injustice to Great Britain, distrust for a moment the sincerity of the formal declaration now made in the name and by the express order of Her Majesty's Government; and that the said Government hoped that positive instructions would be sent to the Venezuelan authorities in Guayana to abstain from taking any measures which might be justly considered aggressive by the British authorities, because such measures, if taken, must lead to a collision. Mr. Wilson further stated that he had been instructed by Lord Palmerston to keep Vice-Admiral, the Earl

of Dundonald, informed of what might happen in this matter. (Blue Book, page 264.)

Señor Lecuna answered accordingly, as has been shown in a former part of this Brief. (Blue Book, page 265.)

The aforesaid British declarations had the result of preventing measures being taken by Venezuela for placing Guayana in a state of defense; they seem to have been made for the purpose of inspiring the Venezuelan Government with feelings of security and confidence (which has not been justified by subsequent acts), and of preventing Venezuela from occupying her own territory bordering on the English colony.

This arose from not having specified, by mutual accord, as was indispensable, precisely which were the territories then in dispute. Mr. Wilson, however, asserted at that time that the Governor of Guayana had spoken of erecting a fort at Barima, "a point," says Mr. Wilson, "to which the right of possession "is in dispute between Venezuela and Great Britain." (Blue Book, page 263.)

On May 10th, 1875, Dr. J. M. Blanco, Minister of Foreign Affairs, wrote "that Amacura, which is situated to the north-"east of Moroco, has never formed part of the disputed terri-"tory, which is that situated to the *south*-east of the said "Moroco, and to the northeast of the Pumaron." (Blue Book, page 283.)

On January 21st, 1887, Dr. Diego Bautista Urbaneja, then Minister of Foreign Affairs, affirmed that Venezuela did not admit, nor had ever admitted, nor would ever admit, that Barima Point was ever in question; that neither had been, was then, or would be admitted that Barima Island was in dispute; and that Venezuela had never considered as disputed any territory lying between the Pumaron and the Amacuro, but only that situated between the Pumaron and the Essequibo. (Blue Book, page 395.)

Colonel Mansfield, British Minister at Caracas, said in a note, dated January 8th, 1885, that he was "directed by Her Majesty's Government to attract the attention of that of Venezuela to the proceedings of the agents of the Manoa Company in

certain districts, the sovereignty of which was equally claimed by Her Majesty's Government and that of Venezuela." (Blue Book, page 327.)

The negotiations for a Treaty of Limits remained in suspense until 1876, when Dr. Eduardo Calcaño, at that time Minister for Foreign Affairs of Venezuela, in a communication to the Earl of Derby, dated November 14th, 1876, brought new arguments in support of Dr. Fortique's proposal. (Blue Book, pages 286–291.)

Lord Derby answered simply that, as he presumed that Dr. José Maria Rojas, lately arrived in England in the character of Minister of Venezuela, was furnished with instructions upon the matters to which the aforesaid despatch related, "Her Majesty's Government would always be happy to receive, and would give the most earnest attention to, any representations which the Venezuelan Government might think fit to address to them, either through Señor Rojas or through Mr. Middleton, Her Majesty's Minister Resident at Caracas." (Blue Book, page 292.)

On January 10th, 1880, the Marquess of Salisbury made the following statement to Dr. Rojas: "The boundary which "Her Majesty's Government claim, in virtue of ancient "Treaties with the aboriginal tribes and of subsequent ces- "sions from Holland, commences at a point at the mouth of "the Orinoco, westward of Point Barima, proceeds thence in "a southerly direction to the Imataca Mountains, the line of "which it follows to the northwest, passing from them by the "Highlands of Santa Maria just south of the town of Upata "until it strikes a range of hills on the eastern bank of the "Caroni River, following these southwards until it strikes the "great backbone of the Guiana district, the Roraima Moun- "tains of British Guiana, and thence, still southward, to the "Pacaraima Mountains." (Blue Book, page 295.)

On February 21st, 1881, Dr. Rojas proposed a line which was to start on the coast, at a mile to the north of the mouth of the Moroco, where a pillar should be fixed to mark the limit; a parallel of latitude was to be drawn from that point westward as

far as the sixtieth meridian of longitude west from Greenwich, and thence the line would run southward by the said meridian as far as the confines of the two countries. (Blue Book, page 299.)

Lord Salisbury states in his note of November 26th, 1895, addressed to Sir Julian Pauncefote, that Dr. Rojas's proposal was referred to the Lieutenant-Governor and the Attorney-General of British Guiana, who were then in England, and that they presented an elaborate report, showing "*that in the thirty-*"*five years which had elapsed since Lord Aberdeen's proposed*"*concession natives and others had settled in the territory under*"*the belief that they would enjoy the benefits of British rule.*" Upon these grounds the proposal was rejected by Her Majesty's Government.

The foregoing statement is a manifest avowal that since 1850 Great Britain has been infringing the Agreement signed in that year by Señor Lecuna and Mr. Wilson, thus authorizing Venezuela to complain or to likewise disregard the Agreement on her part.

It will be seen, withal how Great Britain has made use of the alleged infractions of that Agreement by the Republic, in order to appropriate territories, both disputed and not disputed.

As a substitute for Dr. Rojas's proposal, Lord Granville submitted the following as a line of boundary:

"The initial point to be fixed at a spot on the seashore "twenty-nine miles of longitude due east from the right bank "of the River Barima, and to be carried thence south over "the mountain or hill, called on Schomburgk's original map the "Tarikita Hill, to the eighth parallel of north latitude, thence "west along the same parallel of latitude until it cuts the bound-"ary line proposed by Schomburgk, and laid down on the map "before mentioned, thence to follow such boundary along its "course to the Accarabisi, following the Accarabisi to its junc-"tion with the Cuyuni, thence along the left bank of the River "Cuyuni to its source, and from thence in a southeasterly "direction to the line as proposed by Schomburgk to the Es-"sequibo and Correntyne." (Blue Book, page 301.)

The injuries to Venezuela which would arise from the adoption of such a line are clearly manifest, when we consider its proximity to the mouths of the Orinoco, and that, as the author of the project himself observes, it placed within British Guiana the tributaries of the Barima, which is connected by them with the centre of the country of Essequibo, and with the Waini by a channel through which the tide ebbs and flows; thus enabling the British Colonial Government to exercise an efficient control over these ways of communication with the interior of the country.

This boundary did not give to Venezuela the entire command of the mouth of the Orinoco and about one-half of the disputed territory, as Lord Granville asserted (Blue Book, page 301) ; because the inhabitants of the British colony could have traveled up and down the affluents of the said river, without Venezuela enjoying reciprocal advantages, she being exposed, moreover, to the danger arising from such a system of internal communication through those rivers.

Lord Granville himself observed that the line proposed by him would place the outlets of that fluvial network within British Guiana, and consequently under English control. Thus the dominion of the Orinoco would be shared by Great Britain with Venezuela.

Contrary to her former method of proceeding, Great Britain, upon this occasion, urgently requested an answer to her proposal.

In 1883 Lord Granville expressed, in a very friendly manner, a wish to arrive at a simultaneous settlement of all the questions pending between Great Britain and Venezuela, viz.: the boundary, the differential duties, and the pecuniary claims. (Blue Book, pages 306–307.)

The reply was given by the Venezuelan Government, November 15th, 1883 (Blue Book, pages 307–309), to the effect that, as the Constitution of the Republic prohibited the alienation of any part of the territory, there existed no way of settling the question otherwise than by arbitration, which would determine the relative rights of the contending parties; and that,

moreover, according to the opinion of the most eminent jurists and statesmen consulted, and the evidence derived from documents relevant to the question, the Essequibo was indicated as the frontier inherited by Venezuela from Spain.

The Republic formerly asked for arbitration. In reply, Great Britain objected that "If Her Majesty's Government "consent to arbitration, the same provision of the Constitu- "tion may be invoked as an excuse for not abiding by the "award, should it prove unfavorable to Venezuela. If, on "the other hand, the Arbitrator should decide in favor of the "Venezuelan Government to the full extent of their claim, a "large and important territory, which has for a long period "been inhabited and occupied by Her Majesty's subjects, and "treated as a part of the Colony of British Guiana, would be "severed from the Queen's dominions."

For which reasons arbitration was not considered applicable for a solution of the difficulty, and it was hoped that some other means might be devised for bringing the matter to an issue. (Blue Book, pages 309–310.)

The first reason for the refusal appears destitute of validity. Venezuela had already asserted the obligation of abiding by the award, which neither gives nor takes away rights, but only establishes their actual condition. Were the argument to be admitted, the consequence thereof would be the absurd assumption that the Constitution deprives the Republic of the power of settling its international differences.

Venezuela has accepted the award relating to her limits with Colombia, however unfavorable to the Republic it may have been considered by Venezuelans and by foreigners.

The second objection falls by its own weight. Upon the award of an arbitrator, the loser must bear all the consequences of the decision, whatever they may be. If the sentence given involves the loss of a territory, considered as his own by one of the litigants, this indicates that he was mistaken in his judgment, and the award of an impartial third party places things in the right light.

It was impossible then to come to an understanding on the matter at Caracas, and the negotiation, continued at London in 1884, was equally fruitless.

When the Venezuelan Plenipotentiary suggested that the boundary dispute should be submitted to a Commission of jurists, the British Foreign Office replied that such proposal presented constitutional difficulties which made it unacceptable—an evasion merely. (Blue Book, page 327.)

The question was laid aside for the moment, in order to give attention to the discussion of a new Treaty of Amity and Commerce, in place of the Treaty of 1825, adopted and confirmed in 1834.

Lord Granville had agreed to insert in the proposed Treaty a clause relating to the use of arbitration for the adjustment of all differences arising between the contracting parties, and which could not be settled by the usual means of amicable discussion.

This Treaty was about to be signed when a change took place in the English Cabinet. Lord Salisbury, successor to Lord Granville, withdrew the aforesaid general arbitration article, alleging that such a clause "would be without precedent in the treaties made by Great Britain, and that questions might arise, such as those involving the title of the British Crown to territory or other sovereign rights, which Her Majesty's Government could not pledge themselves beforehand to refer to arbitration." (Blue Book, page 351.) All efforts, and even *ad homium* arguments, were unsuccessful in shaking his indefensible determination.

While this was happening, or rather, after the latter part of 1884, the British Government, on account of the proceedings of the Manoa Company, as they said (and forgetting the Agreement made in 1850, not to occupy the territory in dispute), began to exercise jurisdiction, publicly and violently, in many parts of the said territory, in spite of the repeated and well founded remonstrances and protests of the Venezuelan Government against such an arbitrary occupation.

Towards the middle of the year 1886 Mr. Gladstone returned to office, and it was thought that affairs would follow the impulse given by him in his former administration.

Lord Rosebery, Secretary of State for Foreign Affairs in the new Cabinet, had fixed his attention upon the boundary question of Guayana, and wrote to the British Minister at Caracas, June 7th, 1886, as follows:

"I have now to instruct you to address a note to the Vene-
"zuelan Government informing them that, considering the
"many years which have elapsed since the discussion of the
"boundary question first arose, and the difficulties which the
"Venezuelan Government have thrown in the way of a satis-
"factory settlement, Her Majesty's Government cannot, in
"their own interests, allow their rights in the territory which
"they have always claimed as belonging to Great Britain to
"remain any longer in suspense; and that it is their intention,
"therefore, to proceed at once to define the boundary of the
"British possessions in Guaiana." (Blue Book, page 354.)

The line which was to be traced was that of Lord Granville, already mentioned.

The above cited instructions further stated that: "Her
"Majesty's Government, however, still reserve their right to
"insist on a more westerly boundary hereafter, although,
"partly for the purpose of establishing a more convenient
"natural boundary, and partly from their willingness to gratify
"the wish of the Venezuelan Government to possess the right
"bank of the Orinoco from its mouth, they are ready to come
"to an understanding with the Venezuelan Government, and
"are prepared to concede to Venezuela a portion of the dis-
"puted territory beyond the line now to be marked out, pro-
"vided the Government of Venezuela will, without further
"delay, recognize the line above described, and which the
"British Government are about to define."

According to this, the said line would deprive the Republic of the left bank of the Orinoco at its mouth.

The orders contained in the foregoing instructions were revoked in the same month of June, 1886 (Blue Book, page

356), in consequence, no doubt, of the Venezuelan Minister having brought to Lord Rosebery's notice the state of the negotiations relating to the three pending questions.

Thereupon, Lord Rosebery presented a Memorandum of the basis on which he would be prepared to negotiate, wherein it was stated, respecting the boundary question, as follows:

"It is proposed that the two Governments should agree to "consider the territory lying between the boundary lines "respectively proposed in the 8th paragraph of Señor Rojas' "note of the 21st February, 1881, and that in Lord Granville's "note of the 15th September, 1881, as the territory in dispute "between the two countries; and that a boundary line should "be traced within the limits of this territory, either by an "Arbitrator or by a Joint Commission, on the basis of an "equal division of this territory, due regard being paid to "natural boundaries. Her Majesty's Government attach "special importance to the possession by British Guiana of the "mouth of the River Waini, and they desire, therefore, to "stipulate that the line should start from the sea coast west-"ward of that point, due compensation being found in some "other portion of the disputed territory for this departure "from the basis of an equal division. The question of the "cession to Venezuela of the Island of Patos will be considered "in connection with the boundary negotiations, the River "Orinoco to be entirely free to commerce and navigation." (Blue Book, pages 356–357.)

The Venezuelan Minister did not consider this proposition acceptable, for the reasons given by him in a Memorandum enclosed in his note to the Earl of Rosebery, dated July 29th, 1886 (Blue Book, pages 366–371), although it determined the territory in dispute and suggested an equal division of the said territory, either by an Arbitrator or by a Joint Commission, excepting the mouth of the River Waini, westward of which point the line should necessarily pass.

Free navigation and commerce on the Orinoco were also demanded, which was incompatible with the laws of Venezuela. One of the greatest inconveniences of the line proposed, was

that it gave free access to the great river by way of the Wainb and its connections, this being the cause of the importance attributed to the possession of the latter river.

Up to the year 1886, the Governor of the British Colony had refused, in virtue of the Agreement of 1850, licenses for the working of gold mines, and had looked upon the British mining companies established on the Cuyuni without his authorization, as societies of "adventurers" who were acting "at their own risk and peril," without any right to protection from the British Government in case of their receiving injury. These orders were now revoked, as a preparatory measure for what was done in October of the same year of 1886.

A remonstrance presented by the Venezuelan Minister, July 28th, probably contributed to bring matters to a head. That remonstrance referred to the violations of the Guayana territory committed by the British, in consequence of which Venezuela demanded the removal of all signs of British sovereignty placed in the disputed territories, the recall of the officers and public force established there, satisfactory explanations for the infraction of the Agreement of 1850 and of the laws of the Republic, the nullification of the proceedings instituted against the Commissary Robert Wells, his release and an indemnification for losses, and finally, the complete restoration of things to the footing they were on in 1850, the date of the Agreement referred to, and strict orders for its fulfilment. (Blue Book, page 365.)

No attention, not even a reply, was given to this reclamation.

Towards the close of 1886, the President of the Republic asked from the British Minister at Caracas, Mr. St. John, explanations of the occupation by the English of various places of Venezuelan Guayana, and advised him of a purpose to erect a lighthouse on Point Barima; and to break off relations with Great Britian should she occupy a spot like Barima and thus solve by herself the gravest question for Venezuela, forcibly depriving the Republic of the exclusive dominion over the Orinoco. (Blue Book, page 377.) The erection of the said lighthouse had been urgently re-

quested in 1836 by the British Legation, and proofs may be found in the Blue Book that this request was known at the Foreign Office, at least as early as 1842, although it was never disavowed by Her Majesty's Government until 1886. Mr. St. John manifested, by order of his Government, "that they "will give their consent to the erection of a light at Barima "Point, on condition that an arrangement shall be come "to between the two Governments as to the quantity of land "to be occupied for the purpose, and that the Venezuelan "Government shall give a formal engagement in writing that "the placing of the light will in no way be held as prejudicing "the British claim to the territory in dispute, of which Barima "Point forms a part, nor be construed hereafter as evidence "of any right on the part of Venezuela to Barima Point, nor "as an acquiescence of Great Britain in such assumption." (Blue Book, page 393.)

The President deemed it opportune to send new Commissioners to the invaded territories, and appointed to this effect Dr. J. Muñoz Tëbar and General Santiago Rodil. They went over the said territories and met with full confirmation of the information received; and, in conformity with their instructions, they went to Georgetown, where, through the Consul of Venezuela at that city, they succeeded in bringing their observations and their proceedings in virtue of their charge, especially the protests against the acts of usurpation, within the cognizance of the Governor of the British colony. He answered by referring to a Notice, dated October 21st, 1886, published in the London *Gazette*, and by stating that the districts mentioned in the official note, addressed to him by the Consul, were included within the limits as defined by the terms of that Notice and formed part of the Colony of British Guiana. (Blue Book, pages 382-383.) The Notice referred to is in the following language:

"Whereas the boundary line between Her Majesty's Colony "of British Guiana and the Republic of Venezuela is in "dispute between Her Majesty's Government and the Gov- "ernment of Venezuela:"

"And whereas it has come to the knowledge of Her "Majesty's Government that grants of land within the terri- "tory claimed by Her Majesty's Government as part of the "said Colony have been made, or purport to have been made, "by or in the name of the Government of Venezuela,"

"Notice is hereby given that no title to land, or to any right "in, or over, or affecting any land within the territory claimed "by Her Majesty's Government as forming part of the Colony "of British Guiana, purporting to be derived from or through "the Government of Venezuela, or any officer or person "authorized by that Government, will be admitted or recog- "nized by Her Majesty or by the Government of British "Guiana; and that any person taking possession of, or exer- "cising any right over, any such land under color of any "such title, or pretended title, will be liable to be treated as a "trespasser under the laws of the said Colony."

"A map showing the boundary between British Guiana and "Venezuela, claimed by Her Majesty's Government, can be "seen in the Library of the Colonial Office, Downing street, "or at the Office of the Government Secretary, Georgetown, "British Guiana." (Blue Book, page 372.)

The boundary alluded to in the aforesaid Notice is the one marked out according to the altered and enlarged Schomburgk line.

Upon the strength of the information given by the Commissioners, the President demanded that the Venezuelan territory, from the mouths of the Orinoco to the Pumaron, be evacuated and that arbitration should be accepted for the purpose of deciding the question of boundaries as far as the Essequibo.

The British Government replied, February 11th, 1887, that "while still prepared to enter into friendly negotiations with the object of settling the Guiana boundary question, they were unable to accede to the present demands of the Government of Venezuela, much as they would regret the action indicated." (Blue Book, page 397.)

Thereupon, relations between the two countries were suspended by the Republic, and the well-known protest was formulated and published.

Mr. St. John departed shortly afterwards.

The Blue Book inserts the correspondence between Her Majesty's Government and Dr. Modesto Urbaneja, who was authorized in 1890 to proceed to London for the purpose of negotiating a convention for the renewal of diplomatic relations between the two countries.

Dr. Urbaneja was satisfactorily received, and at his request, a Pro-memoriâ was transmitted to him containing the conditions which Her Majesty's Government considered necessary for a settlement of the pending questions. The first and principal one was this (Blue Book, page 410.):

"1. As regards the frontier between Venezuela and the "Colony of British Guiana, *Her Majesty's Government could "not accept as satisfactory any arrangement which did not ad- "mit the British title to the territory comprised within the line laid "down by Sir R. Schomburgk in* 1841. They would be ready "to refer to arbitration the claim of Great Britain to certain "territories to the west of that line."

The other conditions were stated in the following terms:

"2. Her Majesty's Government consider that they are en- "titled to expect that the differential duties now levied on im- "ports from British Colonies in violation of Article IV of the "Commercial Treaty of 1825 shall be repealed."

"3. They would propose that all outstanding claims on the "part of subjects of either country against the government "of the other should be referred to a Mixed Commission."

Here British injustice reached its climax. Lord Salisbury declared indisputable the territory which he said was comprised within the line laid down by Schomburgk in 1841, and then invented new claims which he would be ready to refer to arbitration—claims to territories that had never been a subject of dispute!

Dr. Urbaneja refuted the first point, February 13th; and, without admitting an infraction of the Treaty, said the other two could be arranged.

On the 19th March Her Majesty's Government replied, insisting upon the first two points, and spoke, besides, of some concession that had been made in Caracas to Señor La Mye.

On June 20th of the same year, Dr. Lucio Pulido presented himself in London in the character of Plenipotentiary *ad hoc* of Venezuela, in place of Dr. Urbaneja.

As soon as he was received, Dr. Pulido submitted a Memorandum in reply to the second one transmitted to his predecessor by Lord Salisbury.

He began by stating that he had been instructed to decline the proposals made to Dr. Urbaneja, which created new difficulties for the Government of Venezuela.

He proposed as basis for a settlement of the question (Blue Book, pages 418–419):

1. That the Government of the United States of Venezuela should formally declare that the River Essequibo, its banks, and the lands covering it belong exclusively to British Guayana, and Her Majesty's Government should formally declare that the Orinoco River, its banks, and the lands covering it belong exclusively to the United States of Venezuela:

2. That a mixed Commission, composed of two Engineers, should be appointed for the purpose of making the maps of the said region, in order to determine the course of the rivers and other streams, the precise position and situation of the mountains and hills, and all other details which would enable both Governments to acquire a reliable knowledge of the region to the west and northwest of the Essequibo River:

3. The said official maps would enable both Governments to determine a boundary with perfect knowledge of the case, and a natural boundary should be preferred:

4. That in case both Governments should not come to a direct understanding, the question should be submitted to two Arbitrators, to be appointed one by each Government, and a third one to be named by the two Arbiters for cases of discord, and upon examination of the original titles and documents, the said Arbitrators should fix a line of demarcation which would have the advantage of constituting, as far as possible, a natural boundary:

5. That in order to arrive at this desirable result, and to prevent the wounding of susceptibilities, both Governments should agree to withdraw or remove all posts or signs of pre-

sumptive possession and dominion from the said region until the final boundary should be fixed; and, therefore, that neither Government should exercise any jurisdiction over the disputed region pending the final arrangement.

The Under Secretary of State, Sir T. H. Sanderson, transmitted to Señor Pulido a Memorandum in answer to his, and added that Lord Salisbury had received with great surprise the intelligence of the issuance by the Government of Venezuela of two decrees purporting to establish Venezuelan administrations in the district between Point Barima and the River Pumaron, near the point where the Cuyuni debouches into the Essequibo, and that any attempt to put them into execution could only be regarded as an invasion of the Colony and would be dealt with accordingly. (Blue Book, pages 420–421.)

In the Memorandum transmitted by Sir T. Sanderson, it was objected that the proposal relating to the Essequibo and the land immediately upon its banks *did not include its tributaries;* that "the whole intervening country between the Essequibo and the Orinoco would remain subject to discussion, and, in last resort, to arbitration"; that "such a transaction was inadmissible, for in this manner Venezuela would maintain her full claim, surrendering nothing to which she can hope to show any legitimate title, while Great Britain would not only admit the discussion of claims upon the part of Venezuela for which she has constantly maintained that there is no serious foundation, but would at once and unconditionally abandon a considerable portion of territory of which she is in actual occupation"; that "*Her Majesty's Government had also defined the line within which they considered the British title to be unquestionable*"; that "*they had more than once explained that they could not submit to arbitration what they regarded as their indisputable title to districts in the possession of the British Colony*"; and that "*every fresh investigation tended only to enforce and enlarge that title and to make it more incumbent on them to maintain it as an act of justice to the rights and interests of the Colony.*" (Blue Book, pages 421, 422.)

Dr. Pulido replied that he had received no information respecting the two Decrees mentioned in Sir T. Sanderson's note, but that it proved the necessity of defining the frontiers; and he added: "In fact, these frontiers being more or less uncertain and undefined, from the point of view of the Government of Her Britannic Majesty, seeing that they have been constantly extending them on their own authority for the last fifty years, cannot but give rise to conflicts of dominion and territory. If the British Government occupied those territories in 1884, though they were declared disputable and neutral in 1850 by both Governments, and took measures to make a permanent establishment there, they cannot be astonished that the Venezuelan Government do not abandon their rights and their jurisdiction over them while the question is not settled in the usual manner, and when the districts are seized by force. This duty is imposed upon them, unfortunately, by an inexorable necessity." (Blue Book, page 423.)

Afterwards Dr. Pulido had an interview with the Under Secretary of State, Sir T. Sanderson, who said to him that Her Britannic Majesty's Government were decided to hear and consider the proposals of Venezuela, with the object of marking out a line, mutually convenient, not distant from Schomburgk's; and that, with regard to the mouths of the Orinoco and to Point Barima, they would yield them to Venezuela on condition that they receive in compensation therefor a certain portion of territory to be fixed upon between the River Uruan (Yuruan on the map) and the Cuyuni, to the west of Schomburgk's line, and Sir T. Sanderson designated the territory on the map. Dr. Pulido asked him to put his idea in writing, when Sir T. Sanderson wrote the following words: "A line starting from Point Mocomoco, between Point Barima and the River Waine, and striking S. W. to the Amacuro River. In exchange or compensation, the frontier line would follow the course of the river Uruan (Yuruan) from its junction with the River Cuyuni, and *might* be extended to the Sierra Usupamo and Sierra Rinocoto." Sir T. Sanderson delivered the paper to Dr. Pulido, after marking it "Personal

Suggestion," and he added that, in case of an agreement, Great Britain would withdraw her pretensions to the other territories which she did not occupy, situated beyond the original Schomburgk line, her rights to which she could maintain with fair chances of success before an Arbitrator.

After exchanging some words in reference to the matter, Dr. Pulido finally stated that he must confine himself to listening, always protesting against the injustice done to Venezuela and against the abuse of force by Her Britannic Majesty's Government; that he took note of Sir T. Sanderson's suggestions, and, the exclusive possession of the mouths of the Orinoco being a question of capital interest for Venezuela, the promise of restoring them would be duly appreciated by the Government of the Republic.

Not the slightest trace of the foregoing interview between Dr. Pulido and Sir T. Sanderson is to be found in the Blue Book!

Persevering in their efforts to bring the question to a close, in spite of the many obstacles encountered, and to renew the interrupted diplomatic relations, the Government of Venezuela despatched to London, in 1893, another Confidential Agent, who should exert himself to attain these ends. Señor Tomás Michelena was appointed to this end, and immediately after his arrival, and his reception by Lord Rosebery, he entered upon the fulfillment of his duties.

On May 26th, he presented a Pro-memoriâ containing the bases for the celebration of a preliminary agreement, with the view of re-establishing diplomatic intercourse and of amicably arranging the pending differences. In the Pro-memoriâ appeared the following clauses (Blue Book, pages 430, 431):

"1. The Government of Great Britain claims certain terri-
"tory in Guayana as successor in title of the Netherlands, and
"the Government of Venezuela claims the same territory as
"being the heir of Spain; both Governments being inspired by
"friendly intentions, and being desirous of putting an end to
"the differences which have arisen on this matter, and both
"Governments wishing to pay all deference to the titles alleged
"by either to prove its jurisdiction and proprietary rights over

"the territory in question, they agree and stipulate that as soon "as official relations shall have been re-established between "the two countries, and after the ratification of the present "Preliminary Convention by both Governments, one or more "Delegates shall be named by each Party with full power "to conclude a Frontier Treaty, founded on a conscientious "and complete examination by the said Delegates of the documents, titles, and data supporting the claims of either Party; "it being agreed that the decision of doubtful points and the "laying down of a frontier on the line of which the Delegates "may be unable to agree, shall be submitted to the final decision, from which there shall be no appeal, of a Juridical Arbiter, to be appointed, should the case arise, by common agreement between the two Governments."

"4. It shall be stipulated in the Preliminary Convention that "both Her Majesty's Government and that of Venezuela "acknowledge and declare that the *status quo* of the boundary "question is that which existed in 1850, when Sir Belford "Hinton Wilson, English Chargé d'Affaires at Caracas, formally declared, in the name of, and under express instructions "from Her Britannic Majesty's Government, that no portion "of the territory in dispute should be occupied, and demanded "and obtained a corresponding declaration from the Government of Venezuela. This *status quo* shall be maintained "pending the conclusion of the Frontier Treaty mentioned "in 1."

Lord Rosebery refrained from offering, for the moment, any observation upon the proposals contained in clauses 2, 3, and 5 of the above mentioned Pro-memoriâ, relating to the celebration of a new Treaty of Commerce and to pecuniary claims, and confined his attention solely to clauses 1 and 4. He proposed that the first clause should be amended by the following addition: "*the said territory in dispute lies to the west "of the line laid down in the Map communicated to the Government of Venezuela on the 19th March, 1890, and to the east "of a line to be marked on the same Map running from the source "of the River Cumano down that stream and up the Aima, and "so along the Sierra Usapamo.*" (Blue Book, page 433.)

With regard to the fourth clause, he alleged that the Government of Venezuela had, on several successive occasions, infringed the Agreement of 1850, by founding, in 1858, the village of Nueva Providencia on the south side of the River Yuruary; by granting, in 1876, licenses to trade and cut wood in the district of Barima and to the eastward of that district; by making a grant of great part of the disputed territory to General Pulgar, in 1881; and by making, in 1884, concessions to the Manoa Company and others. He further asserted that the British Government had distinctly declined to entertain proposals for the granting of concessions in the disputed territory, and that it was only when the encroachments of the Manoa Company began to interfere with the peace and good order of the Colony, that "Her Majesty's Government decided that an effective occupation of the territory could no longer be deferred, *and steps were taken for publicly asserting what they believed to be the incontestable rights of Great Britain*"; finally, "*those rights they are unable now to abandon,* "*and they could not consent that any* status quo, *except that now* "*existing, should remain in force during the progress of the nego-* "*tiations.*" (Blue Book, page 432.)

Señor Michelena vainly endeavored to demonstrate to the Earl of Rosebery the injustice of his pretension that Venezuela, in the first Article of the proposed Agreement, should declare the question to be limited to the territory situated westward of Schomburgk's line, which was equivalent to recognizing as British territory all included within that line.

In vain he recalled the last propositions made to Dr. Pulido, viz., that Great Britain should abandon the mouths of the Orinoco, and that the boundary should be fixed between Point Barima and the River Waini by means of a line starting from Point Mocomoco and striking on the southwest the River Amacuro.

Lord Rosebery did not deign to continue the discussion, obstinately and laconically answering that Señor Michelena's arguments did not afford any opening for arriving at an understanding upon the question at issue. (Blue Book, page 437.)

When the Venezuelan Representative complained that the authorities of Demerara had announced great schemes for exploiting the northwest district (which extended to the mouth of the Orinoco and belonged to Venezuela) by means of capital and companies from the Colony; when he complained that a party of twenty-nine expeditionists had been sent to the Upper Barima in order to expedite the works of the Dixon Company; and that all this was happening at a time when Venezuela was endeavoring to bring about an amicable adjustment of the differences existing between herself and Great Britain as to these complaints, Lord Rosebery simply replied that those acts of jurisdiction did not constitute any infraction of, or encroachment upon, the rights of Venezuela: "They are, in fact," he said, "no more than part of the "necessary administration of a territory which Her Majesty's "Government consider to be indisputably a portion of the "Colony of British Guiana, and to which, as it has been their "duty to state more than once, they can admit no claim on the "part of Venezuela." (Blue Book, page 437.)

ATTITUDE OF THE UNITED STATES IN THIS QUESTION.

As early as 1876, the Government of Venezuela, in view of the declarations repeatedly made by the Government of the United States, and considering that as the strongest and oldest of the Republics of the new Continent, it was natural that she should give her powerful moral support to the others in their territorial disputes with European powers, the President of Venezuela deemed it proper to inform the President of the United States as to the condition of the relations of this country with Great Britain, which had assumed a vexatious character. This referred to the question of boundary between Venezuela and British Guiana, and also to the extent of the maritime jurisdiction of the Republic between the coast of the continent and the Island of Trinidad. The Executive intended to propose to the British Government that these questions should be submitted to arbitration. With this object, an uninter-

rupted correspondence was carried on with the Government of Washington, through the Venezuelan Legation there as well as the United States Legation at Caracas, for the purpose of giving them information respecting the antecedents and course of this question, and of all other matters connected with it. Friendly advances on behalf of Venezuela were frequently made by the United States to the Court of St. James, and a relation of them was published when, by resolution of April 11th, 1888, the Senate requested the Executive to communicate to it all the correspondence concerning the question.

Among other notes there is one addressed, on February 17th, by Mr. Bayard, then Secretary of State, to Mr. Phelps, Minister of the United States at London, accompanying a communication from the Venezuelan Diplomatic Agent at Washington respecting a protest made by the Governor of British Guiana, on December 31, 1887, against the validity of a concession granted by the Government of Venezuela for the construction of a railway from Ciudad Bolivar to Guacipati, a village of the Caratal District, under the pretext that it would pass through certain territories and lands situated within the limits of the Colony of British Guiana formed part of it.

Mr. Bayard asserted that: "The claim now stated to have "been put forth by the authorities of British Guiana neces- "sarily gives rise to grave disquietude, and creates an appre- "hension that the territorial claim does not follow historical "traditions or evidence, but is apparently indefinite. At no "time hitherto does it appear that the district, of which Gua- "cipati is the center, has been claimed as British territory, or "that such jurisdiction has ever been asserted over its inhab- "itants; and if the reported decree of the Governor of British "Guiana be indeed genuine, it is not apparent how any line of "railway from Ciudad Bolivar to Guacipati could enter or "traverse territory within the control of Great Britain."

The same instructions added: "It is true that the line "claimed by Great Britain as the western boundary of British

"Guiana is uncertain and vague. It is only necessary to ex-
"amine the British Colonial Office List for a few years back
"to perceive this. In the issue for 1877, for instance, the line
"runs nearly southwardly from the mouth of the Amacuro to
"the junction of the Cotinga and Takutu rivers. In the issue
"of 1887, ten years later, it makes a wide detour to the west-
"ward, following the Yuruari. Guacipati lies considerably to
"the westward of the line officially claimed in 1887, and it
"may perhaps be instructive to compare with it the map
"which doubtless will be found in the Colonial Office List for
"the present year."

"It may be well for you to express anew to Lord Salisbury
"the great gratification it would afford this Government to
"see the Venezuelan dispute amicably and honorably settled
"by arbitration or otherwise, and our readiness to do anything
"we properly can to assist to that end."

"In the course of your conversation you may refer to the
"publication in the London Financier of January 24 (a copy
"of which you can procure and exhibit to Lord Salisbury),
"and express apprehension lest the widening pretensions of
"British Guiana to possess territory over which Venezuela's
"jurisdiction has never heretofore been disputed may not
"diminish the chances for a practical settlement."

"If, indeed, it should appear that there is no fixed limit to
"the British boundary claim, our good disposition to aid in a
"settlement might not only be defeated, but be obliged to give
"place to a feeling of grave concern."

In further demonstration of good will, the Government of the United States had tendered their good offices in order to promote an amicable settlement of the respective claims of Great Britain and Venezuela, and had even offered their arbitration, if acceptable to both countries, with respect to the question at issue, which was understood to turn only upon historical facts.

Lord Salisbury answered that although he appreciated the good feeling which had led the Government of the United States to offer their mediation in this dispute, the attitude as-

sumed by General Guzman Blanco in the question prevented him from submitting it then to the arbitration of a third power; that besides this, another offer of mediation had been received respecting the same contention, and it had been declined upon the same grounds.

Later on, in May, 1890, the Government of the United States again offered their good offices to Her Majesty's Government, in order to bring about the resumption of diplomatic intercourse between Great Britain and Venezuela, as a preliminary step towards the settlement of the boundary dispute by arbitration. They thought that the joint proposals of Great Britain and the United States towards Portugal, which had just then been brought about, would make the occasion propitious for submitting the boundary question to an international arbitration. The United States Minister to England was requested to propose to Lord Salisbury, with a view to an accommodation, that an informal conference be had in Washington, or in London, of representatives of Great Britain, Venezuela, and the United States; it being understood that in such conference, the position of the United States would be one solely of impartial friendship toward both litigants.

This proposal was also declined by the British Government for the reasons previously alleged; that they were right in complaining against Venezuela on account of the manner in which she had broken off relations; but that they were nevertheless inclined to overlook this point, owing to their desire that the re-establishment of amicable relations should be accompanied by the settlement of the various pending controversies. They added that Señor Urbaneja had been informed of the terms upon which the agreement might be effected, an answer to which was expected from the Government of Venezuela; and they finally stated that they had informed Señor Urbaneja of their willingness to abandon certain portions of the claim which they believed themselves entitled in strict right to make, and to submit other portions to arbitration, reserving only that territory as to which they believed their rights admitted of no reasonable doubt.

The United States continued to be interested in this question; and for several successive years it has given rise to observations made by the President in his ordinary annual messages, and always with the hope that a prompt solution might be arrived at, which should be satisfactory to both parties.

On their part the successive Secretaries of State have acted with energy respecting the Venezuelan question.

In his later message to Congress, the President of the United States again promised to renew the efforts theretofore made to bring about a restoration of diplomatic relations between the disputants, and to induce a reference of the boundary question to arbitration; a resort which Great Britain so completely favors in principle and respects in practice, and which was now earnestly sought by her weaker adversary.

The Senate and House of Representatives, by Joint Resolution, unanimously adopted, recommended that the President's suggestion, namely, that Great Britain and Venezuela refer their dispute as to the boundary to friendly arbitration, be earnestly recommended to the favorable consideration of both parties in interest.

Later on, in his annual message dated December 2d, 1895, the President informed Congress that a despatch had been addressed, in July of the same year, to the United States Ambassador at London for communication to the British Government, in which the attitude of the United States was set forth. He stated that the general conclusions therein formulated were in substance: "that the traditional and established policy of "this Government is firmly opposed to a forcible increase by "any European power of its territorial possessions on this "continent; that this policy is as well founded in principle as it "is strongly supported by numerous precedents; that as a con-"sequence the United States is bound to protest against the "enlargement of the area of British Guiana in derogation of "the rights and against the will of Venezuela; that, considering "the disparity in strength of Great Britain and Venezuela, "the territorial dispute between them can be reasonably set-

"tled only by friendly and impartial arbitration; and that the "resort to such arbitration should include the whole contro- "versy, and is not satisfied if one of the powers concerned is "permitted to draw an arbitrary line through the territory in "dispute and to declare that it will submit to arbitration only "the portion lying on one side of it."

Mr. Olney's note to Mr. Bayard, dated July 20th, 1895, relating to the case of Venezuela, is a document of great importance. It is impossible to exhibit with greater accuracy the circumstances attending the question, and to demonstrate more forcibly the injustice of the proceedings of Great Britain in this unfortunate emergency. The diversity of the lines proposed by Great Britain, each one more unfavorable than the preceding one; the increase of her pretensions which, in only one year (from 1886 to 1887), were augmented 33,000 square miles; especially her seizure, effected in October, 1887, of the territory situated to the west of the new line called Schomburgk's; her refusal to agree to arbitration, except on the condition that Venezuela should confirm such usurpations, and reduce the question to new and unknown demands; her violent advance and stay in the disputed territory; all the acts by which she has endeavored to maintain the occupation of the most important river, Orinoco, which gives her predominance in the commerce of a great part of South America; her unreasonable purpose to disregard moderate propositions of arbitration, and to decide the controversy upon her own authority alone, and under pretext of a long-standing possession; her rejection of the mediation and good offices of the United States and of other nations: all these facts are clearly set forth in the above mentioned note, in order to prove that the principle followed in this case by England has been solely the *sic volo, sic jubeo, stet pro ratione voluntas.* Mr. Olney admirably elucidated the Monroe doctrine, formulated in 1823, with the concurrence of Great Britain herself, and which is opposed to all attempts on the part of European powers to extend their system to any portions of this hemisphere for the purpose of oppressing them, or controlling in any other manner their des-

tiny, as dangerous to the peace and security of the United States; and contrary also to future colonization by European powers of the American continents which were fully occupied. Mr. Olney very ably recalls the application of the rule on various occasions, the most striking of which was the evacuation of Mexico by the French upon the termination of the civil war; he considers that the Americans are indebted to it for the provisions of the Clay-Bulwer Treaty, which both neutralized any inter-oceanic canal across Central America, and expressly excluded Great Britain from exercising any dominion over any part of Central America; he stated that it was used in the case of Cuba, as if justifying the position that, while the sovereignty of Spain will be respected, the island will not be permitted to become the possession of any other European power; and, finally, that it has been influential in bringing about the definite relinquishment of any assumed "Protectorate" by Great Britain over the Musquito coasts. Mr. Olney further explains how the doctrine has been developed, since it has been declared upon its authority that the existing American dependencies were no longer regarded as subject to transfer from one European power to another, and that when the present relation of colonies ceases, they are to become independent powers; he also mentions the objections to arbitration of South American controversies by a European power, because American questions, it is said, are for American decision, and he recalls that on that ground the United States went so far as to refuse to mediate in the war between Chili and Peru jointly with Great Britain and France.

Mr. Olney declares that it is impossible to take into consideration an appeal to arms, which, if it were not condemnable as a relic of barbarism and a crime in itself, so one-sided a contest could not be invited, nor even accepted by Great Britain, without distinct disparagement to her character as a civilized state.

After various considerations upon the interest of the United States in the prosperity of the other American Republics, Mr. Olney comes to the following conclusions:

"Thus, as already intimated, the British demand that her "(Great Britain's) right to a portion of the disputed territory "shall be acknowledged before she will consent to an arbitra- "tion as to the rest, seems to stand upon nothing but her "own *ipse dixit*. She says to Venezuela, in substance: 'You "'can get none of the debatable land by force, because you "'are not strong enough; you can get none by treaty, because "'I will not agree; and you can take your chance of getting "'a portion by arbitration, only if you first agree to abandon "'to me such other portion as I may designate'. It is not "perceived how such an attitude can be defended, nor how it "is reconcilable with that love of justice and fair play so em- "inently characteristic of the English race. It in effect de- "prives Venezuela of her free agency and puts her under "virtual duress. Territory acquired by reason of it will be "as much wrested from her by the strong hand as if occupied "by British troops or covered by British fleets. It seems, "therefore, quite impossible that this position of Great Britain "should be assented to by the United States, or that, if such "position be adhered to with the result of enlarging the "bounds of British Guiana, it should not be regarded as "amounting, in substance, to an invasion and conquest of "Venezuelan territory."

"In these circumstances the duty of the President appears "to him unmistakable and imperative. Great Britain's asser- "tion of title to the disputed territory, combined with her "refusal to have that title investigated, being a substantial ap- "propriation of the territory to her own use, not to protest "and give warning that the transaction will be regarded as "injurious to the interests of the people of the United States, "as well as oppressive in itself, would be to ignore an estab- "lished policy with which the honor and welfare of this coun- "try are closely identified. While the measures necessary or "proper for the vindication of that policy are to be determined "by another branch of the Government, it is clearly for the "Executive to leave nothing undone which may tend to render "such determination unnecessary."

Mr. Olney finally instructs Mr. Bayard to read this communication to Lord Salisbury, and expects a definite decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan boundary question in its entirety to impartial arbitration.

After making such observations as he thought opportune, and which have been already refuted in the Memorandum of the Ministry of Foreign Affairs of Venezuela, dated March 25th last, Lord Salisbury said, on November 26th, 1895, that Her Majesty's Government could not "consent to entertain "or to submit to the arbitration of another power or of for- "eign jurists, however eminent, claims based on the extrava- "gant pretensions of Spanish officials in the last century, and "involving the transfer of large numbers of British subjects, "who have for many years enjoyed the settled rule of a "British colony, to a nation of different race and language, "whose political system is subject to frequent disturbance, "and whose institutions as yet too often afford very inadequate "protection to life and property."

On receiving this answer, the President of the United States addressed to Congress, on December 17th, 1895, a special Message wherein he suggested that an adequate appropriation be made for the expenses of a Commission, to be appointed by the Executive, for the purpose of determining the true divisional line between the Republic of Venezuela and British Guiana, the necessary investigation and report upon the matter to be made and presented with the least possible delay, after giving due weight to all available records, and facts, in support of the claims of both parties. The President adds: "When such a report is made "and accepted, it will, in my opinion, be the duty of the "United States to resist, by every means in its power, as a "willful aggression upon its rights and interests, the appro- "priation by Great Britain of any lands, or the exercise of "governmental jurisdiction over any territory which, after "investigation we have determined of right belongs to "Venezuela."

Four days afterwards the appropriation suggested by the President was unanimously granted by Congress.

The Commission was then organized and entered upon the performance of its duties. Both Venezuela and Great Britain have sent to it their briefs, documents, and maps, and owing to the activity it has displayed in the preliminary studies, it is confidently believed that it will soon terminate its labors.

There is reason to believe that so transcendental a measure will lead to the friendly and honorable settlement of this long-continued and vexatious controversy. General Crespo's Administration has had the inexpressible glory of witnessing the intervention of the United States in this dispute, speaking in the name of seventy millions of souls, and placing its powerful influence in the balance in order to incline it to the side of justice. The Republic will never be able to requite such a conduct, although the President, the Congress, the Corporations, the People, and the States have hastened to manifest, in an extraordinary manner, their gratitude for the attitude assumed by the high powers of the Great American Nation in the question at issue, with a full knowledge of the case and the assurance of Venezuela's right in demanding justice in a matter on which depends her welfare, her progress, and her existence. Not only Venezuela, but also the whole world applauds the act of energy and international morality to which the United States has attached its name and prestige.

The United States has continued its able efforts for the purpose of bringing the contest into the path of unfettered arbitration, and has combated the pretension to exclude therefrom the districts settled up to January, 1887; for to admit this would be equivalent to a ratification of the usurpations committed up to the present by Great Britain, in spite of the continual protests of Venezuela; and all this has been done without hindrance to the labors of the indefatigable Commission of Investigation at Washington.

OBSERVATIONS ON THE MAPS APPENDED TO THE "BLUE BOOK."

MAP I.

In reference to Map No. 1, the Blue Book states that it is "an extract from an official chart of the Dutch West India "Company, contemporaneous with their Charters, and one of "a series, to the first of which the date 1621 is assigned. The "date of this particular map is approximately 1635. It only "deals with the coast line, and shows the reputed territory of "the Dutch West India Company as extending westward "beyond Point Barima."—(Blue Book, page 39.)

There is a note on the map which reads: "Copied from the West India Chart representing . . . . . all the sea-coasts of . . . . . America comprised in the Concession granted by Their High Mightinesses the States-General of the United Netherlands to the General West India Company"—as though extending beyond Point Barima.

At that date the independence of the Low Countries was not yet recognized, and, for the same reason, they did not constitute a nation capable of acquiring, and much less of fixing limits of territories conterminous with those of other nations. The coast line which is marked as belonging to the Dutch, begins at the River Amazon and extends as far as the River Amacuro, which latter river, nevertheless, is not claimed by England as having pertained to the Dutch, but as a limit indicated by nature. In various parts of the Preliminary Statement of the Blue Book, it is repeated that, from 1648 to 1796, the Dutch remained in uninterrupted possession of all the coast line from the River Corentin to Barima, but nothing is said of the Amacuro. It is asserted that the concession granted to the Dutch West India Company made no mention of the Orinoco as being the limit of the said Company's jurisdiction.

Finally, the map was made by the party interested, and undoubtedly with the object of increasing the extension of the territories claimed to have been granted.

Map 2.

Respecting Map No. 2, the Preliminary Statement says: "This is a map contained in an atlas by the leading Dutch "geographer of the period, Blaeuw; its date is 1640; it is "coloured so as to show the boundary of the Dutch and "Spanish Colonies along the Orinoco. This map was copied, "with the Orinoco boundary still more accurately defined, by "Jannsen in 1647." (Blue Book, page 39.)

It has a foot-note which reads: "Reproduced by photo-lithography from the original, British Museum, 4 Table 9, Plate 120. The yellow color is understood to indicate the Dutch Boundary."

The authority for this information is not stated. Similar maps have been seen, but without colors, wherein the lines are not drawn as in the present one. Furthermore, this is also a Dutch map, like the preceding one.

Map 3.

"This is an extract from a map officially prepared for the "Committee of Trade and Plantations in the year 1733, and "seen and approved by Edmund Halley, the Astronomer "Royal. This map shows the Dutch boundary extending "from the Orinoco River to the westward of Point Barima." (Blue Book, page 39.)

It is entitled "Map of Surinam, extract from a Map of the British Empire in America with settlements adjacent thereto, executed with the approbation of the Lord Commissioners of Trade and Plantations, etc., by Edmund Halley, F. R. S., Astronomer Royal, 1733."

All this signifies that the map in question was made by an Englishman with the approbation of Englishmen. A red line indicates the Dutch possessions, and a yellow line the Spanish ones. According to this map, the Dutch possessions not only extend to the mouths of the Orinoco, but also include all the islands of the Delta. The line follows parallel with the course of the Orinoco, and afterwards deviates from it and inclines

to the southwest, leaving within the territory of Surinam various affluents of the great river and parts of others.

In 1667 the Colony of Surinam ceased to belong to Great Britain, who, by the Treaty of Breda, then ceded it to Holland in exchange for the latter's possessions in North America, viz., what is now called the State of New York.

Mr. Halley does not explain how, in 1733, the Colony of Surinam still formed a part of the British Empire in America.

Surinam, since 1667, has belonged to the Low Countries, and, according to the limits laid down by Schomburgk on his map of British Guiana, the boundary line between the two Colonies is the River Corentin.

Nevertheless, on Halley's map the name of Surinam has been placed so as to comprise Essequibo, Demerara, and Berbice, which were not even occupied by Great Britain in 1733, which she invaded in 1781, 1796, and 1803, and which she definitely acquired only in 1814.

There is no rashness, therefore, in affirming that such a map is entirely valueless, and that, were its validity admitted, it would be the cause of the premature disappearance of the Dutch Colonies from Guiana.

Nor must it be said that the original from which Halley extracted it was made before 1667, previous to the cession of Breda, because, then, this explanation would be neutralized by the other objections already noted, or else military occupation would appear as giving right.

Map 4.

With regard to this map, the Blue Book makes the following assertions (pages 39-40): "This is an extract from D'An-
" ville's Map of 'Amérique Méridionale,' the date of which is
" 1748. D'Anville is reputed one of the best geographers of
" his day, and his map shows that he had unusual opportuni-
" ties of information. The map is referred to in the Dutch
" remonstrance of the 21st July, 1769. It was compiled largely
" from Spanish sources, and adopted in the year 1796 by
" Sobreviela, a Mission Father, who had personal knowledge

"of Guiana. It shows the boundary of Dutch Guiana as "starting a little east of Point Barima, but it is to be noticed "that the Amacura is placed a little to the east of the River "Barima. The interior of the country is shown with fair ac- "curacy, except that the mountains in which the Yuruari "takes its rise are too far from the Orinoco. As far as can "be gathered from the map, the boundary between the terri- "tories of Spaniards and the Dutch was the watershed of the "rivers which run to the Atlantic and Orinoco respectively.

"This was the view taken by other contemporaneous geog- "raphers, notably Vaugoudy, King's Geographer, of Paris, "in 1750, and Thomas Kitchin, Hydrographer to the King "of England, in 1760." In page 41: "D'Anville's map "was adopted, not only by Sobreviela, but by other geog- "raphers of Spain, Great Britain, and other countries."

In the map itself, the author shows himself grateful to M. de la Condamine for information given, chiefly respecting the course of the Amazon and of the rivers which flow into it.

M. de la Condamine was cited by Dr. Fortique in his note to Lord Aberdeen, dated January 31st, 1844, in the following terms: "Dutch Guiana begins on the River Marowine and "terminates at the Essequibo; there remains for Spanish "Guiana the country comprehended between the Essequibo, "at which the Dutch colony terminates, and the Orinoco." (Blue Book, page 249).

If M. de la Condamine merited D'Anville's praises on account of the information he had acquired, owing to his active and enlightened researches and to his own observations, it is impossible to despise his opinion respecting the limits of Dutch Guiana, so different from those indicated by D'Anville.

The Blue Book acknowledges two errors in this map, viz.: the Amacuro is placed to the east of the Barima, and the mountains in which the Yuruary takes its rise are too far from the Orinoco. If this were not sufficient to discredit it, other inaccuracies extant would contribute to the same end.

It is a fact that the Cuyuni and the Mazaruni join each other and, forming one river alone, flow into the Esse-

quibo; whereas, on D'Anville's map, the Cuyuni runs directly and separately into the Essequibo, into which the Mazaruni has previously fallen.

In D'Anville's map the Yuruary runs from the southwest to the northeast towards the Cuyuni, and on Map A, inserted at the beginning of the Blue Book, the Yuruary flows from the northwest to the southeast.

No private authority can successfully oppose that of the Spanish Government, which in 1762, in 1765, in 1779, and in 1791, declared that the Dutch Colonies were situated on the Essequibo, this being asserted also by Governors Diguja, Centurion, Jil, and Inciarte, and by the Commissary Requena, etc.

D'Anville did not express the reasons which led him to place the Dutch limit at the Barima, nor can his opinion supersede that of Dutch authors like Netscher, who contradict it, although they acknowledge the existence at Barima of a trading "post" during a brief period; nor that of the Englishman Rodway, who admits the fact of the abandonment of the said post and the right of Spain to consider the entire Orinoco as her own; nor that of other French cartographers of a period subsequent to 1748, who place the Dutch limit at the Essequibo or at Cape Nassau; nor that of English geographers whose charts have been sent to Washington,[1] some of which mark the disputed boundary at the Essequibo.

Map 5.

"This is a sketch map by the Dutch Director-General, "made in 1749. It is not to scale, but it shows approximately "the relative position of the Dutch settlements, and the pro- "posed Spanish Mission, against the establishment of which, "he and the States-General protested." (Blue Book, page 40.)

The map is entitled "Sketch Map by Governor Storm Van's Gravesande, 1749, Rios Essequebe et Demerary"; and at the foot appear the following words: "Copied from a parchment map in the Ryks archief at Hague. No. 1496. July 15, 1887.—J. A. Swettenham."

[1] And are now before the Commission.

It is not known who this Mr. Swettenham is. The map is by an interested party, no less than the Dutch Director-General of Essequibo himself, to whom so much interest is attributed in the progress of the Colony, an important detail of which he doubtless considered to be the increase of its territory.

He places on the northern side of the Orinoco the Missions of the Arragonese Capuchins, and on the opposite side those of the Jesuits and of the Catalonian Capuchins, and also those simply called Capuchin Missions. Near the last, and on the banks of the River Cuyuni, are written the words "New Mission, Road of Ignace Consetrall," which mission is perhaps the one, the establishment of which was protested against, as is asserted, but without proof.

According to the agreement of 1734, the Missions of the Catalonian Capuchins, of the Jesuits, and of the Observant Fathers, were situated *south* of the Orinoco.

The map extends on the coast side from the River Martowyne as far as the River Orinoco and the Golfo Triste, as if these were a part of Essequibo and Demerara.

Lastly, this map is not oriented as maps should be.

Map 6.

The Blue Book, on page 40, says: "This map, dated 1783, "of the coast of Guiana from the Orinoco to the Amazon and "inland parts so far as they had been explored by the French "and Dutch engineers, was prepared from the observations of "Captain Thompson, of the British ship 'Hyena' of the Royal "Navy, who himself was in Guiana in 1781 and administered "the Government of the Colony of Berbice, Essequibo, and "Demerary after their conquest from the Dutch. The boundary upon the coast extends as far as Point Barima, and there "is a statement that the westward boundary *corresponded with* "*the River Barima which is marked westward of the Amacuro.*"

In 1781 the English occupied the Dutch colonies during a brief period, as, in the following year, they were deprived of them by the French. Therefore, not being owner of the said colonies, the British could not validly determine their bound-

aries; and Captain Thompson's observations cannot have been very exact when he fell into the error of placing the Barima west of the Amacuro, thus inverting their geographical positions.

For this reason, and considering Captain Thompson's natural interest in extending the limits of the conquest achieved by his countrymen, no credit whatever can be given to this map, which was only intended as a means of securing the favor of the Home Government.

It was also inscribed "To the Merchants of Barbadoes and Guayana as a Testimony of Affection, and for the Benefit of the Trade in Facilitating the Navigation of the Coast of Guayana." On this account, it also includes the islands of Barbadoes, Tobago, Grenada, and Trinidad.

It is opportune to repeat that, having guaranteed, by the Treaty of Utrecht, to Spain the integrity of her dominions in America, England made it impossible for herself to do Spain the injury of encroaching upon those dominions; and that, being obliged, moreover, by the Treaty of October 28th, 1790, not to found in South America any establishment on its coasts and adjacent islands to the south of those parts of the said coasts and adjacent islands already occupied by Spain, neither could England found establishments south of the coast of the Orinoco already occupied by Spain. It is true that, in conformity with the secret article of the said convention, the fulfillment of this clause was postponed, it being stipulated that it would not be in force while no establishment was founded in the said places by subjects of another power. Such a contingency, however, has not occurred, for, since 1790, no settlement has been made in the places named by subjects of any other power.

MAP 7.

"This is a reproduction of the inset upon the Dutch map of "the Colony of Essequibo and Demerara prepared by Major "von Bouchenroeder, an officer in the Dutch army. The "original map is dated in 1796 and it was published in 1798. It "gives the western boundary as on the River Barima, placed "westward of the River Amacuro." (Blue Book, page 40.)

First of all, it is to be noted that this is a Dutch map, the work of an officer in the army of the Batavian Republic, and that it is presented with an avowal of the erroneous situation given to the Rivers Barima and Amacuro by placing them in positions, the reverse of which they really occupy. He seems to have drawn in red the boundary line at the River Barima, but does not explain the meaning of this color, nor of the green with which the islands are marked.

It is pertinent to read what the modern Dutch historian, Netscher, says of this map in his Appendix relating to the boundary question pending between Venezuela and British Guiana: "England, on the contrary," he states, "claims for British "Guiana a boundary line situated much more to the west "along the Amacuro near Barima, probably founding her "claims on the Map, superficial to a certain extent, of Bou- "chenroeder (1798), on Mr. Robert Schomburgk's Map (1841), "and especially upon the circumstance that, according to these "maps and other old reports, there existed formerly, in the "seventeenth century, near the mouths of the Barima and of "the Amacuro, a Dutch post, it thus being evident, according "to the opinion of the English Government, that the territory 'of the Colony, previously belonging to the Low Countries, 'and now to Great Britain, extended as far as the Orinoco."

. . . . .

"On Bouchenroeder's map (1798) are also to be seen two 'military posts situated near each other, one close to the Pom- 'eron and the other close to the Moroco."

"The motive, then, which led Major Bouchenroeder, in 1798, 'to fix on his map, with such certainty, near the Barima, the 'boundary of what was then Essequibo, is incomprehensible to 'us, and we can only attribute it to a desire of satisfying the 'national pride of his sovereign, the Executive Power of the 'State of the Batavian Republic."

"His method of proceeding cannot, surely, be the result of "an exact investigation, for we are persuaded that he never "visited the territory personally, this being evident, among "other reasons, from the circumstance of his having given in "his map the name of Barima to the Amacuro and that of "Amacuro to the Barima."

Map 8.

"This map," says the Blue Book (pages 40–41), "is a "extract from that published by Depons in the year 1804 i "his work entitled 'Voyage á la partie orientale de la Terr "'Ferme dans l'Amérique Méridionale fait pendant les année "1801–4.' It was taken from a manuscript map in the archive "of Caracas, and shows by a dotted line a narrow limit of th "Dutch possessions similar to that which was suggested b "Centurion in the map referred to at page 16 of this statement "and subsequently followed by Surville y Villerey. Th "Caribs and other Indians between that line and the Orinoc "are, however, marked as 'independent,' and the text of th "work has the passage :

"'It is agreed that Spanish Guiana, which on the maps i "'made to occupy 30 leagues of coast, does not in fact occup "'an inch.'"

In Volume III, Chapter VII, of the work above cited, the author says the following :

"Surinam, Essequibo and Demerari are Dutch possessions "bounded on the east by the sea; on the south, by the rive "Maroni; on the north, by the river Essequibo, *according t* "*the Treaties*, but they have *furtively* extended these bound- "aries to Cape Nassau; on the west by Spanish Guiana; the "portion of Guiana remaining to the Spaniards is bounded on "the east by the sea, from Cape Nassau to the mouth of the "Orinoco, distant one from the other about thirty leagues."

On the same map of Depons, which represents the Captaincy-General of Caracas, there is a dotted line which apparently indicates the limit of Dutch Guiana, and which, beginning at Cape Nassau, runs to the southwest as far as the 62d meridian and thence follows a southeasterly and southerly direction until it joins the river Cuyuni.

On the other hand, the passage cited from Depons, on page 41 of the Blue Book, is not only badly translated, but has been garbled. The words of the text are as follows:

"Il est en effet constant que la Guyane Espagnole, qui "sur les cartes paraît occuper trente lieues de côtes, de l' em

"bouchure de l'Orénoque au Cap Nassau, n'en occupe pas "un pouce, car les naturels ont défendu leur indépendance."

This, literally translated, means:

"It is, in fact, certain that Spanish Guiana, which, on the "charts, seems to occupy thirty leagues of coast, from the "mouth of the Orinoco to Cape Nassau, does not occupy an "inch of it, for the natives have defended their independence."

It is to be noted that the third Blue Book, recently published, contains, on pages 1 and 2, the following words, which modify the principle of strict occupation:

"The territory which belongs to a nation in a country "sparsely populated is not confined to the spots or areas which "have themselves been the subject of occupation. It is well "established by the law of nations that the extent of the terri- "tory to which a nation can justly lay claim depends upon a "number of considerations. Regard must be had to the physi- "cal features of the country itself, and to the question whether "the situation and character of the areas occupied would en- "able the nation to which the occupants belong to control the "adjoining district, and to prevent, if necessary, hostile "aggression."

MAP 9.

"This map shows the various proposals of boundary lines "referred to in the papers." (Blue Book, page 41.)

Nevertheless, it is to be noted that omission has been made of the two proposals presented by Lord Rosebery and which occupy: the first one, of 1886, pages 356–357 of the Blue Book; and the second, of 1893, pages 432--433.

In the first of these proposals it is suggested that the territory declared to be in dispute be divided by an Arbitrator or by a Joint Commission, and this is perhaps the reason for the omission. It may be, also, that it is desired to relieve Lord Rosebery from the disagreeable position in which he is placed by his different manner of considering the same question in 1886 and in 1893.

It must not be forgotten that the reasons alleged by him in 1893 for not accepting the project presented at that time by

Señor Michelena, viz., that the arrangement on the basis agreed to in 1850, not to occupy or encroach upon the disputed territory, had been disturbed by Venezuela on several successive occasions, existed already in 1886, when, for the first time, negotiations were carried on with Lord Rosebery concerning this question.

This map, which contains the various British lines, shows the extended Schomburgk line as being the one described by him in 1841, as was asserted by Lord Salisbury to Señor Urbaneja, in his memorandums of February 10th and 13th, 1890.

Nevertheless, in a special map of British Guiana, which elucidates the boundary dispute between Venezuela and British Guiana, 1895--6, published in London, George Philip & Son, 32 Fleet street, E. C., Liverpool, 45--51 South Castle street—are to be found two Schomburgk lines, one denominated "Original Schomburgk Line," marked with an unbroken red line, and the other called "Extension of the Schomburgk Line," marked with a broken red line; the former extends beyond the 62d meridian; the latter embraces much less space.

It has already been noted that the Director of the Royal Geographical Society of London asserts that the first Schomburgk line was extended; and this is likewise virtually affirmed by the London "Times" of October 12th, 1895.

SUMMARY.

In the preceding pages, the following conclusions have been clearly established:

1—The whole territory of Guayana, from the Orinoco to the Amazon, belonged to Spain by virtue of the Pope's donation, and because she discovered, explored, and peopled America in general and especially Guayana.

2—Even in the absence of the aforesaid titles, the territory of Guayana pertained to Spain by right of its contiguity to the domain which formed the rest of the Captaincy-General of Venezuela and the Viceroyalty of New Granada.

3—Spain always proclaimed her rights over America by means of her treaties and her laws, particularly those denominated the Recapitulation of the Indies.

4—The United Provinces of the Low Countries recognized those rights of Spain by accepting from her, in the Treaty of Munster of 1648, a confirmation of the acquisitions which they had made, as her enemies, in the West Indies.

5—The aforesaid rights were also recognized by England in the Treaty of Madrid of 1670, whereby Spain granted to the King of Great Britain, his heirs and successors, that they should "hold, keep, and enjoy forever, with the plenary right of sovereignty, dominion, possession, and property, all those lands, regions, islands, colonies, and places whatsoever, being or situated in the West Indies, or any part of America, which the said King of Great Britain or his subjects did then hold and possess, so as that in regard thereof or upon any color or pretence whatsoever, nothing more might or ought to be urged, nor any question or controversy moved concerning the same hereafter. Great Britain attached so much importance to this treaty that she had it renewed in 1713, 1763, 1783.

6—Great Britain seriously contradicts herself and destroys the basis of her arguments when, after asserting that Guayana was open to occupation, and that the Spaniards had there only the village of St. Thomé, she nevertheless seeks the acquiescence of Spain in order to justify the legitimacy of the Dutch possessions in the territory of Guayana.

7—Great Britain also contradicts herself by invoking occupation as the only title to the acquisition of territories, and then by asserting that she has made new discoveries in places to which the Dutch had established a claim.

8—Great Britain again contradicts herself on pretending that occupation is the only means of acquiring, and yet by agreeing with Venezuela that both nations should abstain from occupying the territory in dispute between them.

9—The principle of contiguity cannot be applied to the territory occupied by the Dutch in Guayana, because this principle already covered the discoveries made by Spain.

10—Neither the Dutch nor the British discovered the Orinoco or the Essequibo, or any of the affluents of either, such as the Cuyuni, Masaruni, Yuruary, etc.

11—If it is true that the Dutch held, as is alleged, "posts" in Barima and on the Cuyuni, it is no less true that they were destroyed by the Spaniards or abandoned by their builders, and were never restored or reoccupied by the Dutch.

12—Spain never assented to the Dutch acquisitions, excepting those existing at the date of the Treaty of Munster of 1648, wherein their limits were not specified.

13—Neither did the Treaty of 1814, by which Holland ceded to Great Britain the "establishments" of Essequibo, Demerara, and Berbice, determine their extension.

14—Spain always repelled the advances of the Dutch, and sanctioned their presence in the Essequibo only in the Treaty of Extradition of 1791, wherein the said river is named as belonging to them.

15—The line given as Schomburgk's is not the one drawn by him as the result of his investigations, but another which has been considerably extended.

16—The line lately attributed to Schomburgk is not in accord with his writings, for, although he has said, for instance, in his Description of British Guiana (page 50), that the Macusis Indians are bordered to the north by the Arecunas, who inhabit the mountainous regions at the head-waters of the Caroni and Cuyuni, and are more properly the inhabitants of the Venezuelan territory; still the said line leaves the entire course of the Cuyuni within the territory of British Guiana.

17—Schomburgk's maps, according to his own avowal, are far from being perfect; because they were partly based upon information from the Indians, and upon local traditions, as asserted by Lord Salisbury.

18—The occupation by the Dutch in Barima, Moroco, Pumaron, and Cuyuni, was not real occupation capable of giving international dominion to any state; but merely the establishment of mercantile "posts" for the purpose of purchasing Indians sold into slavery by the Caribs.

19—Even at the best, these posts, having been destroyed or abandoned and never re-established, could produce no effect against the title of Spain.

20—Neither the Dutch in their time, nor their British successors in theirs, ever included the places spoken of in the acts of the political organization of their establishments.

21—The English had no legal power to fix their boundaries with the Spaniards during the time they held military occupation of those places.

22—The English could not fix those boundaries, even after having definitely acquired the said places; because, in affairs common to conterminous States, no one of these can settle them by its own authority without attacking *ipso facto* the sovereignty and independence of the other or others.

23—Such a right cannot be derived by any one of such States from the infraction, committed by either of them, of an agreement not to occupy territories in dispute.

24—In consequence of the foregoing, the appropriation by Great Britain of a territory she had spontaneously declared to be in dispute with Venezuela, is an unjustifiable offense against the rights of the Republic.

25—All the absurdity of such an oppressive act is shown by the grounds on which it was based on October 24th, 1886, viz., that although the limits between British Guiana and the Republic of Venezuela were in dispute, it had come within the cognizance of Her Majesty's Government that certain concessions of lands had been made, or were about to be made, by the Government of Venezuela in the territory claimed by Great Britain.

26—Such proceedings can have no validity as against Venezuela, because after having found all friendly remonstrances unavailing, she has opposed them by way of reprisals in the suspension of diplomatic relations, and by repeated protests, made before the British Government itself as well as before all civilized nations and the world in general, against the acts of spoliation executed by Great Britain in detriment of the Republic; which acts Venezuela would not, in any case, recognize as capable of altering, in the least, the rights she has inherited from Spain, but which she would always be willing to submit to the award of a third power.

27—With the same object, and whenever a new motive ha been given for it, Venezuela has reiterated her protests, mor particularly those against the many extensions sought to b given to the British frontier.

28—The declaration made by Great Britain since 1890 repeated in 1893, and forwarded in 1895 to the United State of America, is evidently and notoriously unjust, viz., that "He Majesty's Government cannot admit any question as to their title to territory within the line surveyed by Sir R. Schomburgk in 1841, and laid down on Hebert's Map," which was enclosed to Dr. Modesto Urbaneja, Agent of Venezuela in London.

29—Owing to so numerous and powerful motives, Venezuela has been under the necessity of continually protesting against the encroachments of the British, and of establishing at the same time posts in divers places in order to check, as they have checked efficaciously, new advances of the English by the rivers Amacuro and Cuyuni.

30—It is a fact that such advances had been carried on, at first slowly and stealthily, but since the year 1884, rapidly and overtly.

31—According to what has been noted by the Government of the United States since 1888 through their Secretary of State, the boundaries of British Guiana have been progressively extended to the detriment of Venezuela. Thus, from 1885 to 1886, the area was enlarged by 33,000 square miles; an extension which could not be explained by any recognized cession or conquest. It is so asserted in the Report of the Department of Agriculture of the United States for 1892; and it is repeated in a communication of the Acting Secretary of State, published as a complement to Mr. Olney's note of July 20th, 1895, addressed to Mr. Bayard, American Minister in London, and based upon the British Colonial Office List of 1885 and 1886, and upon the maps contained in the two volumes mentioned.

32—In consideration of the doctrine proclaimed by President Monroe in 1823, and since called by his name; and con-

sidering the United States, for many reasons, the natural protector of the Hispano-American Republics, to whom, including Venezuela, they have rendered many services; the Venezuelan Government appealed to the Government at Washington in order to obtain, by their aid, the consent of Great Britain to an arbitration as a just means of settling the question of boundary with British Guiana, as England had already done on several other occasions.

33—This appeal being favorably received by the Congress and the Executive of the United States, earnest representations have been made to the Cabinet of St. James in the hope of obtaining its acquiescence.

34—Mr. Olney, Secretary of State of the United States, wrote upon this subject, on July 20th, 1895, a long communication to be presented to Lord Salisbury, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, wherein the Monroe doctrine is invoked as the chief motive for his intervention in the matter; as well as Lord Salisbury's repeated refusal to agree to the arbitration proposed by Venezuela otherwise than by limiting it to new and inadmissible conditions, and excluding therefrom the territories which Great Britain had been seizing upon since 1844, as is admitted by Lord Salisbury himself in his note to Sir Julian Pauncefote, British Ambassador at Washington, dated November 26th last.

35—Lord Salisbury stated in the above mentioned note that the British Government "cannot consent to entertain, or to "submit to the arbitration of another power or of foreign "jurists, however eminent, claims based on the extravagant "pretensions of Spanish officials in the last century, and "involving the transfer of large numbers of British subjects, "who have for many years enjoyed the settled rule of a "British colony, to a nation of different race and language, "whose political system is subject to frequent disturbance, and "whose institutions as yet too often afford very inadequate "protection to life and property."

36—In consequence of such refusal, President Cleveland addressed to Congress a special Message, wherein, after ex-

plaining the course of negotiations, he indicated the convenience of appointing a Commission for the purpose of determining, with sufficient certainty, the true divisional line between the Republic of Venezuela and British Guiana; giving of course, due weight to all available evidence, records and facts in support of the claims of both parties. The President furthermore declared that, when such a report should be made and accepted, it would be, in his opinion, the duty of the United States to resist, by every means in its power, as a wilful aggression upon their rights and interests, the appropriation by Great Britain of any lands, or the exercise of governmental jurisdiction over any territory, which, after investigation, should be found to rightfully belong to Venezuela.

37—By virtue of the aforesaid Message the Congress of the United States enacted on December 21st, 1895, that is, four days after the presentation of the said document to the Legislative Chambers, a law whereby the sum of one hundred thousand dollars was appropriated for the expenses of the Commission indicated.

38—The President then organized the Commission by appointing persons designated by their well-known antecedents as competent to fulfill successfully the duties of their charge; and this being communicated to the Government of Great Britain and the United States of Venezuela, the former caused to be laid before the Commission the Blue Book presented in March last to both houses of Parliament, together with documents and correspondence relating to the question of boundary between British Guayana and Venezuela.

39—Venezuela on her part, appointed a special Counsel to represent her before the Commission, and through him submitted without delay documents from the archives of Spain, and numerous maps proceeding from divers nations, some of them English, and has continually produced other papers, data, and information pertinent to the justification of her right; and subsequently associating with the said Counsel another American advocate, she has authorized them to lay before the Commission the Brief prepared for that purpose, a portion of which has already been presented.

40—The Government of Venezuela, in their earnest desire to make a complete defence of the rights of the Republic, also appointed a special Commission for the purpose of examining and classifying the documents, maps, and books collected in the Ministry of Foreign Affairs; and this being accomplished, the said Commission was entrusted with the refutation of the statements in the Blue Book, as has been undertaken in the present brief.

41—By the Treaty of Utrecht, concluded on July 13th, 1713, Great Britain guaranteed to Spain the integrity of her dominions in America. She is therefore under obligation to defend them against usurpations by others, no less than to refrain from such usurpations herself. The conclusion of Article VIII of the said Treaty reads as follows: "And with a view to "render navigation and commerce in the West Indies more "firmly and thoroughly secure, it has been agreed and stipu- "lated also by the present, that neither the Catholic King, nor "any of his heirs and successors, can sell, cede, mortgage, or "transfer to the French, or to any other nation whatsoever, "any lands, dominions, or territories, or any part thereof, of "Spanish America, nor alienate them in any way therefrom or "from the crown of Spain. And on the contrary, so as to "maintain the integrity of the dominions of Spanish America, "the Queen of Great Britain promises to solicit and give aid "to the Spaniards in order that the old limits of their dominions "of America be restored and fixed as they were in the time "of the said Catholic King, Charles II, if it be found that in "any way, or under any pretext whatever, they have suffered "dismemberment or partition after the death of the said "Catholic King Charles II."

42—The conciliatory means employed by Venezuela looking to some amicable and just settlement of the question have been disregarded. Even the proposed mediation by friendly nations, notwithstanding their high respectability, has been disregarded, although they were no less than Spain, the United States of America, and the Supreme Pontiff of the Catholic Church, who was so considerate as to send to London, on this

special mission, His Excellency Monsignor Tonti, Apostolic Delegate and Envoy Extraordinary in Venezuela.

43—It is only now, for the first time (thanks to the intervention of the United States), that Her Britannic Majesty's Government have presented Briefs and copies of documents in support of their claim; whereas, previously, they had limited themselves to merely affirming that they possessed irrefutable proofs, which however they persistently withheld; and even at present they have in some instances mentioned documents without producing them, and in others have exhibited unauthenticated versions of such documentary evidence, nearly always inaccurately translated.

APPENDIX.

ceedings instituted in consequence of the said complaint.

"Archivo General de las Indias." Seville. Case 131. Box 7. Bundle 17.

12. Proceedings instituted at the "Commandancia" of Guayana, concerning the complaint made by the Dutch Ambassador with regard to the proceedings of the Spaniards of Orinoco against the colony of Esquibo. This document is No. 1 of those adjoined by Don Manuel Centurion to his letter, No. 13, dated April 5th, 1770, and forms a part of the proceedings instituted in consequence of the aforesaid complaint.

"Archivo General de las Indias." Seville. Case 131. Box 2. Bundle 18.

13. Letter No. 29, dated December 28th, 1771, from the Commandant of Guayana, Don Manuel Centurion to the Bailiff Fray Don Julian de Arriaga, giving information respecting the expedition he had ordered for the purpose of occupying Lake Parima, exploring "El Dorado" and subduing the Indians dwelling there.

"Archivo General de las Indias." Seville. Case 131. Box 2. Bundle 18.

14. Letter No. 46, dated November 11th, 1773, from the Commandant of Guayana, Don Manuel Centurion, to the Bailiff Fray Don Julian de Arriaga, amplifying, as was ordered by the Royal Cedula of July 24th, 1772, the report which he had made on December 31st, 1770, respecting the population of that province, and various accompanying documents.

"Archivo General de las Indias." Seville. Case 131. Box 7. Bundle 17.

15. Answers of the Fiscal of the Council, dated 1774 and 1785, in the proceedings respecting the remonstrance of the Dutch Ambassador with regard to the

in the year 1724, as far as fol. 20 inclusive; fol. 22 over, *How convenient it would be to assist the Community of the Catalonian Fathers Capuchins*, as far as fol. 23 inclusive; fol. 26, *Lands pertaining to each body of Missionaries*, as far as fol. 27 which terminates the bundle.

3. Certification given by Don Andrés de Olegaga, Royal Official "Contador" of the town of Guayana, dated January 28th, 1769, respecting confiscations and seizures accomplished during the government of Commandant-General Don Manuel Centurion. "Archivo General de las Indias." Seville. Case 131. Box 2. Bundle 17.

4. Two letters, dated 1790, from the Governor of Guayana, Don Luis Antonio Jil, to Don Pedro de Lerena, giving information with regard to the condition of the Dutch colonies situated on the coast, at a distance (he says) of 45 leagues from the "Boca de Navios" of the Orinoco, and respecting the species of independent Republic which had been formed by the fugitive slaves at the head-waters of the rivers, between the Surinam and Esquibo. "Archivo General de las Indias." Seville. Case 131. Box 2. Bundle 20.

5. Testimony concerning the Dutchmen apprehended in the River Cuyuni by the secret expedition which set out from the town of St. Thomé de Guayana in the year 1758. This document was forwarded with letter No. 13, dated April 5th, 1770, by the Commandant of Guayana, Don Manuel Centurion, and forms part of the Judicial Proceedings instituted in consequence of the Dutch Ambassador's complaint against the "Archivo General de las Indias." Seville. Case 131. Box 7. Bundle 17.

acts of the Spaniards of Orinoco in prejudice of the Colony of Esquibo.

"Archivo General de las Indias." Seville. Case 131. Box 7. Bundle 17.

6. Testimony in the proceedings instituted respecting the seizure of a schooner, two launches, and two corials of the colony of Esquibo by the Lieutenant of Infantry, Don Juan de Dios Gonzalez de Flores. This document was sent with letter No. 13, dated April 5th, 1770, by the Commandant of Guayana, Don Manuel Centurion, and forms document No. 4 of the Judicial Proceedings instituted in consequence of the Dutch Ambassador's complaint against the acts of the Spaniards of Orinoco in prejudice of the colony of Esquibo. It is to be noted that the said seizure was made in 1761.

"Archivo General de las Indias." Seville. Case 131. Box 2. Bundle 17.

7. Letter No. 41, dated in 1770, from Don Pedro J. de Urrutia to Don Julian de Arriaga, giving information with respect to the Dutch Ambassador's complaint against the proceedings of the Spaniards established in the Orinoco in prejudice of the colony of Esquibo.

"Archivo General de las Indias." Seville. Case 131. Box 7. Bundle 17.

8. Extract of the proceedings promoted by the Dutch Ambassador in 1768, alleging right and dominion in the colony of Esquibo, and the right of fishery in the Rver Orinoco, and also stating that the fisheries of the Dutch were troubled and disturbed by the vessels of the King of Spain established in the Orinoco.

"Archivo General de las Indias." Seville. Case 131. Box 7. Bundle 17.

9. Testimony authenticated in the town of St. Thomé de Guayana on November 20th, 1769, by several civil and ecclesi-

astical authorities, concerning the good services rendered by the Commandant-General of the Province of Guayana and new settlements of the Upper and Lower Orinoco and Rio Negro, by impeding the entrance into the Orinoco of foreigners and traders engaged in illicit commerce, and by driving the Dutch away from the River Barima, who had usurped various lands on its margins. This document was forwarded with letter No. 13 by the Governor Don Manuel Centurion on April 5th, 1770, and forms document No. 8 of the proceedings instituted in consequence of the Dutch Ambassador's complaint with regard to the proceedings of the Spaniards against the colony of Esquibo.

10. Report of the Council of the Indies to His Catholic Majesty, dated October 27th, 1769, concerning the communication of the Dutch Ambassador wherein he complains of the proceedings of the Spaniards of Orinoco against the colony of Esquibo; it forms a part of the proceedings instituted in consequence of the said remonstrance. "Archivo General de las Indias." Seville. Case 131. Box 7. Bundle 17.

11. Letter No. 13, dated April 5th, 1770, from the Commandant of Guayana, Don Manuel Centurion, containing information respecting the acts which had been complained of by the Dutch Ambassador as having been committed by the Spaniards of Orinoco against the colony of Esquibo. This document, marked No. 6, forms a part of the pro- "Archivo General de las Indias." Seville. Case 131. Box 7. Bundle 17.

"Archivo General de las Indias." Seville. Bundle entitled "*Papeles de Estado Audiencia de Caracas.* 1700-1796.

31. Testimony of four documents wherein the Governor of Guayana sends to Señor Porlier a sketch relating to the condition of the province, to the advances of the Dutch of Essequibo and Demerara, etc., to the exploration of the Cuyuni and establishment of a fort and settlement of Spaniards at the junction of the rivers Curumo and Cuyuni; the Ministers of the "Hacienda Real" and the Prefect of the Missions are asked to aid the said project of said establishment.

NOTES OF THE MAPS

WHICH SHOW CAPE NASSAU OR PUMARON AS BOUNDARY.

NOTES OF THE MAPS WHICH SHOW CAPE NASSAU OR PUMARON AS BOUNDARY—CONTINUED.

ATLAS NUMBER.	AUTHOR.	DATE.	PLACE OF PUBLICATION.	TITLE OF THE MAP.	NOTES.
10	M. Lapie	1829	Paris	Carte Générale de l'Amérique Méridionale.	
10	L. S. D'Arcy Delarochette	1829	London	Colombia Prima or South America.	
29	Dr. C. G. D Stein	1832	Leipzig	Newer Atlas.	South America von F. W. Streit.
.....	Pierre Jardien	1833	Paris	Carte d'Amérique.	
31	Lapie et Arrowsmith	1835	Holland	Zuid Amerika.	Atlas 18.
56	Collection P. Augrand	1835	Paris	Carte de la Colombie et des Guayanes	Certified copy of the original.
.....	Newton's	1836	London	New and Imperial Terrestrial Globe	According to the most celebrated navigators and travelers.
.....	A. H. Brué	1839	Paris	Nouvelle Carte de l'Amérique Méridionale.	
3	E. Pæppig	1842	Leipzig	Sud Amerika.	
69	A. Gouyon	1845	Paris		
47	James Wild.	1846	London	Map of the settled district of the Colony of British Guiana	Certified copy of the original.
50	Siebolt & Merville	1846–47	Haya		
31	A. Lesage (Comte de las Cases)	1853	Bruxelles	Atlas	See page 36.
32	Marchal	1853	Bruxelles		This is in his Atlas.
62	H. Frijlink	1855	Amsterdam	Nieuve Hand.	
53	Waterlow Bros., Editors	1864	London	Sketch Map of Venezuelan Guayana	
9	Pierre Mortier	.....	Amsterdam	Archipielaque du Mexique, etc.	
.....	A. H. Brué	.....	Paris	Carte Générale de Colombia	
66	Giaccomo Guocchi	.....	Milan	America Meridionale.	

61	J. S. Stedman		Paris	Carte de la Guiane	
8	A. H. Brué			Carte Generale de Colombia	According to Humboldt.
33	Duvotenay		Torino		
67	E. Sergent		Milan		
68	Levy Alvarez		Paris		
51	Luis Surville		Spain		This is in the work of Father Caulin.

NOTES OF THE MAPS WHICH SHOW THE RIVER ESSEQUIBO AS THE BOUNDARY.

Atlas Number.	Author.	Date.	Place of Publication.	Title of the Map.	Notes.
48	J. Russell	1794	London	General Map of South America	Copy made by English engineers in 1790.
36	Simon Montelle	1804	Weimar	Charte von dem Holaendischen & Franzoeschen	According to N. Bauche y Simon Montelle.
21	A. Le Sage	1814	Paris	L'Amérique Moderne en 1812	Atlas Històrico. See introduction to the work and notes of the map.
49	Dr. José Manuel Restrepo	1825		Historia de la Revolución de la República de Colombia	Map Number 5.
74	Sidney Hall	1825	London	A Map of Colombia	
12	Richard Holmes Laurie	1829	London	Colombian or Western Hemisphere	From the Great Chart of Jno. Purdy.
35	Vuillemin	1830–40	Paris	Amérique du Sud	
50	John Purdy	1830	London	A Chart of the World on Mercator's Projection	
28	C. G. Reichard	1832	Nürnberg	Hand Atlas—Sud America	This is in the Atlas of F. Campe.
59	Hon. John M. Niles	1838	Hartford		Attached to the work of the same Author.
73	Emanuel Bowen	1847	London	South America	All are of the Mainland.
10			Boston.	South America	
64				America	
60	J. Pauzie Lucena	1895	Barcelona	America Septemtrional y Meridional	

Copy of the data found in the Archives of the Captaincy-General and of the "Intendencia" of Venezuela, respecting the aggressive movements of the Indians and their retirement to Essequibo.

My most venerated Chief:

Considering that the block-house must be finished in this voyage, and that there must remain militia-men, there being at present four, I beg Your Worship to inform me whether the provisions are to be brought down at the expense of the Royal Treasury or at that of the militia-men, the transportation of the said provisions requiring peons from these missions as there are none in the Cuyuni, although it seems to me that it would be convenient to have here at least some families, not only for the provisions but for any other emergencies which might arise; for the militia-men thus employed are very much exposed to many contingencies with regard to victuals and in other respects, as they are very far from any assistance, and still more, not having any one to send as messenger; although for the present there is nothing particular, yet news has arrived that *in an island which is below the mouth of the Maseroni, there are various nations of Indians armed with fire-arms and a palisade;* but I believe that they must have armed themselves in apprehension of an attempt to catch them.

God preserve Your Worship many years.

Upata, January 29th, 1792.

PEDRO TOMÁS BOMMON.

To the Governor, Don Luis Antonio Jil.

Private. — Orders and assistance sent by the Government to the Sergeant commanding the River Cuyuni.

It is convenient that with the greatest efficacy, brevity, and certainty, you should assure yourself of the information you have communicated to me in your letter of January 29th, ultimo, viz., that *in an island which is below the mouth of the Mazaruni there are various nations of Indians armed with fire-arms and a palisade;* for in such circumstances, although the facts have not been proved, and while the truth is being ascertained, no measures of precaution should be neglected in prevision of any surprise projected by the Indians against those missions, or against any other part of the province, as is generally their custom; and their is more reason for distrust when, as you tell me, they are provided with fire-arms in contravention of the general ordinances which govern us, and still more if serious attention is paid to the quality and circumstances of these vagrant nations, which, if they were not protected by other more civilized ones, could not be provided with such armament on the frontiers of our possessions, or rather, within our own. By virtue of such considerations, and as a good measure, in order to avert any surprise or disorder which may be planned against us, I have decided to send you, for the present, 250 gun cartridges with the veteran militia corporal, José Montanchez, so as to supply your men, and strictly enjoin you to proceed personally to the Cuyuni stronghold where you will remain until further orders. You

will choose from among the militia-men on service in those missions, those you may deem fittest up to the number of twenty, including the eight you have and the aforesaid Corporal Montanchez, so that they continue their service assembled together in that place; and you will remain in observation, without committing, on your part, any act of hostility or making any movement whatever. In case of an attack, you will defend the place and give notice of anything new occurring. You will completely close the passage towards Essequibo, both to Indians and other kinds of people; but you will try to secure in the stronghold those who come up from those colonies to the Missions; you will examine them with the greatest precaution and skill so as to become acquainted with the motive, matter, or business of their journey; you will seize whatever goods, effects or products they may carry, and particularly the papers, letters or books found upon them; and you will make the most minute search in all parts of the vessels, boxes, clothes, trunks, or wherever you think that they may have hidden them; so that the case may not occur that, for lack of diligence, they should pass them, for which I make you responsible, with out admitting in any way, in this respect, any excuse, exculpation or pretext whatsoever, however well founded it may be. You will maintain, by day

and by night, the greatest vigilance and precaution, as if you were hourly expecting a sudden attack from the enemy, so that no omission or carelessness may be cause of a disaster; because it is so ordered by reason and prudence in such cases, and particularly when you know by practical experience the treacherous cunning and artifices of the savage Indians, the more so if they are led or directed by people of greater intelligence than theirs. To this effect, then, you will construct a wooden stockade as a line of circumvallation, at the distance you may deem suitable, having in the centre the block-house or stronghold, and leaving loop-holes or sufficient spaces, in order that, in case of attack, you may defend yourself by musketry and repel the enemy, who, in my opinion, will never be so strong that you may not, for the honor of our arms, be able to oblige him to abandon his enterprise, and also for the purpose of preventing him from setting fire to the said block-house or stronghold, under cover of the darkness of the night. Every day, morning and afternoon, you will send for water and earth, to the distance permitted by the force you may dispose of and by circumstances, but never further than a cannon-shot, and if it ever happen that your people are obliged to retire by circumstances worthy of attention, you will take measures proportionate to the accidents and occurrences which cannot be here foreseen, attending to the

condition, case and principal object of that commission. Thus far, the most critical circumstances have been taken into consideration, in virtue of the information given by you and the natural propensity of Indians to surprises and their well known fickleness. But if the report proves to be groundless rumors you will always remain in the blockhouse or stronghold, either with all the force which has been assigned to you, or with such part as you may consider sufficient for the wardship and defence of that road; always maintaining vigilance and good order as if the place were threatened by the enemy, and giving me notice of all that occurs. I will communicate to you separately what is necessary concerning the provisions and other points relating to the subsistence of the troop under your orders, and to the conclusion of the blockhouse or stronghold, this being a confidential order which you must not disclose or intimate to any person whatever, either partly or totally.

God preserve you many years.

Guayana, February 17th, 1792.

LUIS ANTONIO JIL.

To the Sergeant Commander, Pedro Tomás Bommon.

Letter from the Missionary of the village of Tupuquen to the Father Prefect, giving notice of the rising or flight of the Indians of the village of Cura, situated on the banks of the River Yurusario, which joins the Cuyuni.

Jesus Maria Joseph—My Dear and Reverend Father Luis, P. S.:

I send you this express so that you may inform Father Manuel de Castelle-Tesote that on Friday night all the people of the village of Cura went away, and on Saturday, at nightfall, the militiaman of Cura came himself to give me the news; and he further told me that a few had returned, that the persons who remained are perhaps not twenty in number, that the fugitives who returned said that they went away because those from the woods wanted to kill the people of the village; these are the reasons they give for the moment. Your Reverence may send another express wherever Father Manuel may be and can forward to him this same letter. I send this express as far as Upata in order that the letter may not be delayed, as usually happens with letters, although they be sent by express, and this one of mine shall go as far as Altagracia, so that all possible measures be immediately taken. On this same date I send an express to Bommon at the Cuyuni, so that he may proceed to Cura with some soldiers.—*Vale.*

Tupuquen, February 12th, '92.

S. Fray Leopold de Barz.

Letter of notification from the Father Prefect to the Government, and transmission of the antecedent.

The enclosed will acquaint you with the event which has occurred in this Mission, and how there has been a rising of the village which, of all of ours, contained the greatest number of souls,

as you may see in the general census; and the reason why is not precisely known, for although, as it is expressed in the letter, it is credible that it may . . . [words wanting] . . . I have taken all possible measures in order to bring back the Indians, although I think I shall not succeed [a word wanting] on account of the weak and unprotected condition of our villages.

God preserve you many years.

Caroni, February 16th, '92.

FRAY HERMENEGILDO DE WICH.

To the Governor Commandant-General and "Intendente," Don Luis Antonio Jil.

Letter written by the Government to the Prefect, informing him of the measures taken for the defence and wardship of the River Cuyuni.

I hereby despatch the corporal José Montanchez, accompanied by two militiamen, and with a box of ammunition for Sergeant Pedro Tomás Bommon; and Your Reverend Paternity will be pleased to see that he is provided with the necessary means of conveyance, so that he may quickly reach his destination. I send orders to the Sergeant Commander, Simon Denio, that in case the Sergeant Commander of the Cuyuni, Pedro Tomás Bommon, should ask him for the aid of twelve or fifteen militiamen of the escort under his command, they are to be given to him without any delay which might hinder the royal service, and at the same time, I instruct Denio that in case of great emergency and of recognized necessity, he is to ask from the Lieutenant of Upata the assist-

ance of sufficient people for the remedying of the occurrence; because the scanty number of veteran troops and militia-men, which scarcely suffice for the daily routine service, does not allow me to send from this capital a greater re-inforcement than the aforesaid corporal and the two soldiers. In order to supply Sergeant Bommon with provisions and the men under his orders at Cuyuni, it is necessary to adopt surer and less fallible means, and in this respect, Your Reverend Paternity can communicate with Sergeant Bommon, so that both may agree as to the manner, and on what occasions remittances are to be made; bearing in mind that a militia-man has no more pay than two reals per day with which to feed and clothe himself, and if the transportation, which must be costly, be charged to them, not only will two reals alone be insufficient for their food, but they will run in debt and dress like Adam. On this account, my Reverend Father, and for the reason that the services of these people are profitable and of public utility to the Missions of the natives, and to the missionaries who direct them, it would seem natural that the latter, who derive profit from the service, should, in equitable justice, make some return as a sort of remuneration, at least by moderation in the prices of provisions, their transportation and conveyance during the march of the soldiers; since the funds of the community allow this without

prejudice to any one, Your Reverend Paternity will undoubtedly give attention to this point, deciding upon what is most convenient, and will please inform me of the result.

God preserve Your Very Reverend Paternity many years.

Guayana, February 22d, 1792.

LUIS ANTONIO JIL.

To the Most Reverend Father Prefect, Fray Hermenegildo de Wich.

Answer of the Government to the letter of the Father Prefect, relating to news of the rising or flight of the Indians of the village of Cura.

Together with the letter of Your Reverend Paternity of the 16th of the present month, I received the letter dated the 12th of the same month, wherein the Father, Fray Leopoldo de Barcelona, gives Your Reverence news of the flight of the Indians from the village of Cura, and the prompt measures you have taken are, I am sure, well adapted to the circumstances of the case. Your Reverence can also be sure that, on my part, I am taking, with all activity and efficiency, those which I consider convenient, and respecting which I will inform Your Reverence without loss of time. Meanwhile, I hope you will quickly send expresses for the purpose of inquiring about, and making sure of the whereabouts of the fugitives, as well as the motive and cause to which is due their resolution. Your Reverence will ask for information from the missionaries of the frontiers and from any other individual you may think fit, for the purpose of learning circumstan-

tially what is happening, and of discovering if there be any secret influence bearing upon the Indians, how and where is the origin of these circumstances, and by what agent they are set at work. Your Very Reverend Paternity will enjoin the persons, from whom information is required, to proceed with the greatest efficacy, prudence, caution, and promptness, so that the truth may be discovered if possible. Of all these proceedings, Your Reverend Paternity will send me prompt notice, without losing a moment, so that upon receiving such notice, and according to the circumstances, more or less serious, the most suitable measures may be taken for the better service of the King.

God preserve Your Very Reverend Paternity many years.

Guayana, February 22d, 1792.

LUIS ANTONIO JIL.

To the Most Reverend Father Prefect,
Fray Hermenegildo de Wich.

A true copy of the original letters and their contents.

Jil.

DATA FOUND IN THE "INTENDENCIA DE CARACAS."

Return of the Troops Remaining in Garrison in the Province of Guayana at this Date, Specifying their Stations.

STATIONS.	FORCES COMPOSING EACH CORPS.	CAPTAINS.	LIEUTENANTS.	SUB-LIEUTS.	SERGEANTS.	DRUMMERS.	CORPORALS.	SOLDIERS.
	Veteran Corps	3	3	3	8	6	23	123
	Veteran company of Barinas	1	1	1	3	2	5	38
	Company of colored militia	1	1	1	3	1	10	63
	Company of veteran Artillery	1	....	1	3	2	5	42
	Total	6	5	6	17	11	43	266
Rio Negro	Infantry	.....	1	.....	1	.....	3	14
	Artillery	.....	.....	.....	.....	.....	.....	1
Guirior	Infantry	.....	.....	.....	.....	.....	1	8
Caura	do	.....	.....	.....	.....	.....	1	.....
Cuyuni	do	.....	.....	.....	1	.....	1	6
Fortaleza de Alta Guayana	do	2	.	1	4	6	16	72
	Artillery	.....	.....	.....	1	1	2	23
Sacaupana	Infantry	.....	.....	.....	1	.....	.....	13
In the Capital	do	3	4	4	7	3	16	110
	Artillery	1	.....	1	2	1	3	19
	Total	6	5	6	17	11	43	266

NOTE—The distribution of the forces in garrison in the fortresses of Old Guayana and in this Capital, is shown in the two returns which, for greater clearness, are appended to this, notice being given that the difference observed between the number of individuals comprised in this return as stationed at the Capital and the number appearing in the garrison of the Capital, consists in various individuals of the veteran corps who are here disabled, sick, or on special duty. Guayana, March 1st, 1809. *José Felipe de Inciarte.*

DOCUMENTS, MAPS, BOOKS, AND REPORTS TO BE CONSIDERED AS A PART OF THIS BRIEF.

This Brief is accompanied:

1. By the documents taken from the Spanish Archives, duly authenticated by the Officials having them in charge, translated into English, and published in three volumes. They contain data relating to the establishment of the Spaniards in Guayana, to the opposition and war carried on against them, especially by the Dutch, with the object of contending for the ownership of the soil; to the pretensions of the Dutch to the right of fishery near the Orinoco; and to the measures of defense taken by Spain with regard to her lands and rivers, above all the Orinoco, such as the construction of forts, vigilance over the coasts, employment of privateer launches, destruction of Dutch posts, proclamation of the limits of the Province of Guayana, establishment of Missions and opportune aid rendered them, seizure and confiscation of foreign vessels, etc.

2. By various maps, forwarded together with the aforesaid documents, as expressed in the accompanying list, some of which indicate as boundary the Essequibo, and others Cape Nassau or the Pumaron.

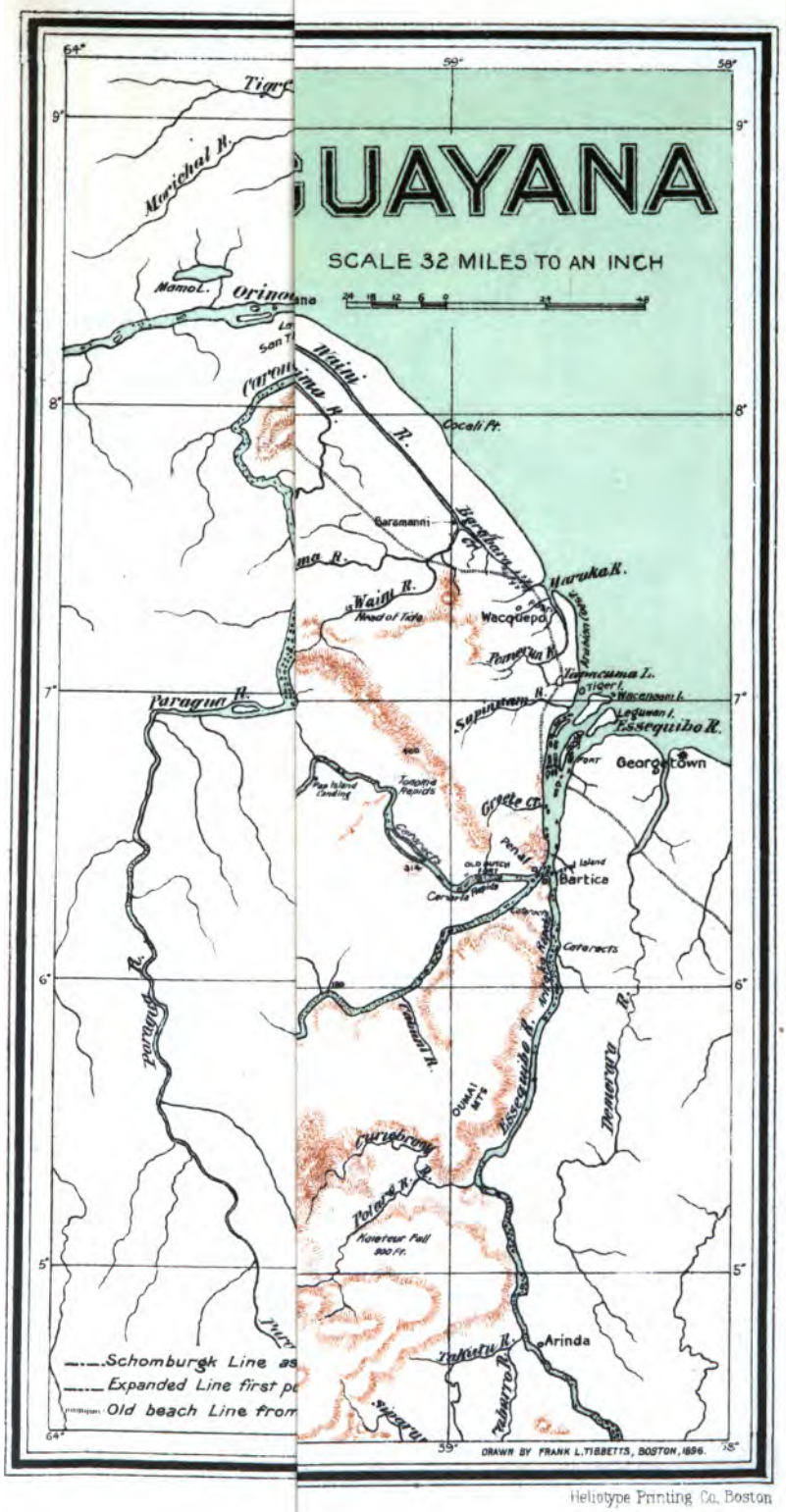
3. By all the books, maps, and documents subsequently submitted to the said Commission through the Minister of Venezuela at Washington, or by the Legal Adviser of the Venezuelan Government and Special Counsel before the Boundary Commission, Mr. William L. Scruggs.

4. By the Briefs submitted by the aforesaid Legal Adviser and Special Counsel, and by the Advocate, Mr. James J. Storrow, only the first part of the three which composed it, viz., the Introduction and Summary, having been as yet presented.

5. By the Memorandum of the Ministry of Foreign Affairs of Venezuela, dated March 25th last, wherein were refuted certain statements in Lord Salisbury's note to Sir Julian Pauncefote, of November 25th, 1895, relating to the question of boundary between the Republic and British Guiana.

6. By the correspondence between the Government of Venezuela and that of the United States respecting the same question, wherein the boundary, to which the Republic believes itself rightfully entitled, was described in its entire extension. (Memorandum of July 15th, 1882.)

7. By the book entitled British Limits in Guayana, printed in 1888, and which, translated into English, was distributed in London to the members of Parliament, to the various Ministries, to the principal Officials of the other Departments, to the organs of the press, and to the Foreign Diplomatic Corps, etc.



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